

THE 8
Office and Authority
OF
Coroners and Sheriffs.

With Directions how and in what
manner to execute the said Offices
in all things that are now in Use.

Together with an easie and plain Me-
thod for the Keeping

Of { Court Leets,
Of { Court Barons, and
{ Hundred Courts, &c.

By J. WILKINSON of Bernards Inn, Gent.

*The fourth Edition, with Amendments and
large Additions never before Printed.*

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Cum Gratia & privilegio Regiæ Majestatis.



82
TO THE
RIGHT HONOURABLE,

And my very good Lord,

Sir *Henry Mountague* Kt.

Lord Chief Justice of the

Kings Majesties Bench.

Right Honourable ;
whereas many wise
and learned men
have written of things that
they have gathered by rea-
ding , I do publish what I
have practised, warranted by
Authorities in Law. And

A 3 because

The Epistle

because the end of *Writing Books* is to benefit others, I know it will be acceptable to all that are not deeply studied, to make use of these things which I have collected: neither can it offend the best *Learned*, to see that plainly set out, as it were by demonstration, which they by *Learning* already understand.

The Office of a *Coroner*, the Office and Duty of a *Sheriff*, and the Office of a *Steward*, and the manner of keeping of Courts in *Hundreds*, *Leets*, and *Baronies*, are daily exercised by many, yet
few

Dedictory.

*few know the true forms that
are to be kept in keeping of
these Courts: for their sakes
therefore I have undertaken
this pains, and dare be bold
to say, that they shall not
much erre, if they follow what
is here in this Book set down
for direction for them therein.
To your good Lordship, whose
place is high in Justice, and
whose mind studies the Com-
monwealths good, I have pre-
sumed to Dedicate this work,
most humbly beseeching your
Honours favourable Accep-
tance and Patronage thereof,
ever wishing unto your Ho-
nour*

The Epistle Dedicatory.

*nour a perpetual continuance
of all Honour and Happinesse in
this life, and Heavenly Feli-
city in the life to come: And
even so being over-bold to trou-
ble your good Lordship, do most
humbly take my leave.*

Your Honours

poor Servant in

all duty to

command,

JOHN WILKINSON.

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A

COMPENDIOUS TREATISE,

Wherein is set forth the

OFFICE and AUTHORITY

OF A

CORONER.

The First Book.



Coroner is an ancient Officer of this Realm, and ordained to be a principall preserver of Peace, and to carry the Records of the pleas of the Crown, and of his own view, and of abjurations, outlawries, appeals, &c. And this definition of him is given by Britton, an ancient writer, fol. 3. with the which agreeth the book de tit' Coron' in Fitz. Nat. Br. pag. 186. where he amplifieth his power more largely : viz. That he should carry Re-

B

records

The Office of a Coroner.

corods of his own view, Abiurations, Outlawries, Appeals, accusments of thebes done befoze him, and of all nonsuits in appeals, and of all other things done in the County, that appertain to the Coroners office; and also in the Court of freemen, which have franchises of infangthief, &c. And in the pzeence of the Coroner shall all appeals of Robberie and Larceny be framed. These things do declare the office of a Coroner to be an office of trust, and of great authozity: and for that cause it is requisite that it be committed to a wise man, and of good behabour, as it was well perceived by our ancient Fathers and predecessors, and chiefly by those that made the statute of Westmynst. the 1. ca. 10. which rehearseth, For that that people of small condition, and not of the wisest, be now lately chosen to the office of Coroners, and much mæter it were, that wise men, loyall, and sage, should intermeddle with that office, It is provided, that thzough all Counties be chosen sufficient men to be Coroners, of the most loyall and most sagest Knights, which best know, can or will attend to that office, and that they lawfully keep and pzeent the pleas of the Crown: And that the Sheriffs have counter-rolls of the Coroners, as well of Appeals as of Enquests, concerning Attachments, or other matters appertaining to that office. And that no Coroner shall demand any thing, or take any thing to execute his office, upon pain of a great forfeiture to the King.

The Statute committeth this Office to
Knights,

Knights, and not to any others; and therefore it was held to be a main cause to remove and discharge a Coroner from his office, if he be not a Knight. But Master Fitzherbert in his *Natura brevium* in his *Writ de Coronator. eligend'* would not allow the same for a sufficient cause at this day, alledging, That those words were put into the Statute, to the intent that a Coroner should have sufficient within the County, to answer for all that he doth or ought to doe by his said Office.

Also this Statute requireth such a Coroner as can, will, & may attend to execute the said office. And therefore if such a Coroner be elected and chosen as cannot, will not, nor may not attend the execution of the same office, he is to be removed and discharged by the Kings Writ from the same office: and the cause of his not attendance or insufficiency must be rehearsed in the writ, viz. that he is occupied in other of the Kings affairs, or that he is not in health, or aged, or unapt for the same office, or that he is insufficient in lands, or that he hath the palste, or that his abode is in the uttermost parts of the County, or that he is nominated Sheriff, or Ranger of a Forrest. But if any of these causes be untrue, and the Coroner thereby discharged of his office by a false suggestion, then he may if he will goe to the Chancery, and there by petition pray a Commission to enquire of this false suggestion, the which if it be found, and returned to the Chancery, then the King may grant a Superedeas to the Sheriffe of that

B 2

County,

County, that he remove not the said Coroner from his office ; and if he be removed before the Superseas come, then that he permit the Coroner removed, to execute his office as he did before his removal, as it appeareth in Master Fitz. Nat. Bre. in and by the writs de Coron. eligendo, & de Electione veredariorum.

But it shall be far more commendable for him that is chosen a Coroner, that if he perceive any of the said impediments to be in himself, that he then do purchase a writ, to discharge himself from the said office, which writ he shall find in the Register, fol. 177.

This statute also willeth that no Coroner shall take any thing for doing of his office, &c. for this purpose, that he wholly may be at liberty to doe and execute justice and right : and therefore within twelve years after there was a statute made to punish their corruption and extortion, which is called Statutum Exoniar, made the fourteenth year of E. 1. which you shall find in the book called Secunda pars veterum Statutorum ; by the which also it appeareth, that a Coroner ought to take nothing for execution of his office, which I find not altered by any statute untill 3 H. 7. ca. 1. which giveth him in murther, 13. s. 4. d. of the goods of the murtherer, if he have any goods, but if he have none, then the Coroner is to have his fee by amercing of the village for suffering the murtherer to escape, and if any particular person shall be found guilty of such escape, the Coroner hath power to inquire thereof by the same statute.

But

The Office of a Coroner.

5

But I find, tit' Cor. in Fitz. fo. 321. & 371. that a Coroner hath a fee belonging to his office, viz. of every visne one peny, when they appear before the Justices of Eyre.

But that fee is not repugnant to the stat. of West. 1. for he receiveth not the same to doe his office, but as a right due to him though that he executeth no part of his office, &c.

Also the stat. of 1 H. 8. ca. 7. prohibiteth a Coroner to take any thing for doing of his office, upon pain of xl. s. for every Default.

And also upon like penalty, where he giveth not his attendance when he is sent for and required to make Inquisition upon the death of any dead corps, &c.

And since the stat. of Westminster the first, it was ordained and enacted by a statute made An. 14 Ed. 3. c. 7. that no Coroner be chosen, if he have not lands sufficient in the same county wherewith he may answer all manner of people. This stat. is in the negative, and therefore the not satisfying of the same statute is good cause to remove him from his office, by the Writ before remembred, the which Writ declareth how he shall be said to be sufficient, and in what sort the same shall be examined; viz. if he have lands in the county upon the which he may dwell agreeable to his degree, for the exercising of the same Office.

Also after by another statute made An. 28 Ed. 3. ca. 6. it was enacted, That all Coroners of every County should be chosen in the open Countie by the Freeholders of the said County, of the most convenientest and most loyallest

people that may be found in the said Counties, to execute the said Office: always saving to the King and to other Lords their Seignories and Franchises.

And note, that when a Coroner is chosen, he shall remain officer, till such time as the King hath otherwise determined his pleasure, or otherwise that the King decease, and is not changeable every year, as the Sherifes and Escheatores are: qd' vid. Hil' 4 E. 4. fol. 44.

Also when he is elected, the Sheriffe of the same county, or his Undersheriffe, must give him his oath thus as followeth:

His Oath
to the Supremacy.

I A. B. do utterly testifie and declare in my conscience, That the Kings Highnesse is the onely supreme Governour of this realm, and of all other his Highnesse Dominions and countries, as well in all Spirituall things or causes, as Temporall, and that no forrein Prince, Person, Prelate, State, or Potentate, hath or ought to have any jurisdiction, power, superiourity, preheminence, or authority, Ecclesiasticall or Spirituall, within this Realm: And therefore I do utterly renounce and forsake all forrein jurisdictions, powers, superiourities, and authorities, and do promise that I shall from henceforth bear faith and true allegiance to his Highnesse, his heirs and lawfull successors, and to my power shall assist and defend all jurisdictions, privileges, preheminences, and authorities granted or belonging to the Kings Highnesse, his heirs and successors,

or

The Office of a Coroner.

or united and annexed to the Imperiall C.
of this Realm. So God me help and the con-
tents of this Book. 1 El. ca. 1.

YOU shall swear that you well and tru- His Oath
ly shall serbe our soberaign Lord the for the
Kings Majesty, and his liege people, in the due exe-
office of a Coroner, and as one of his Ma- cution of
jesties Coroners of this County of Sou- his office.
thampton; and therein you shall diligently
and truly doe and accomplish all and every
thing and things appertaining to your office,
after the best of your cunning, wit, and power,
both for the Kings profit, and the good of the
inhabitants within the said county, taking
such fees as you ought to take by the laws
and statutes of this Realm, and not other-
wise. So help you God, and the holy con-
tents of this book. And so let him kisse the book
to affirm his Oath.

First, when he hath notice to take the view
of the body of any person slain, either with
his will or against his will, he must then
make his precept to the Constables and Li-
thingmen of the hundred where the party li-
eth dead, to summon a jury to appear before
him at a day and place certain, to enquire
thereof up on a pain of xl.s. before remem-
bered. And the form of his precept is thus:
viz.

By virtue of mine office these are in the South.
Kings Majesties name to will and require you
immediately upon the receipt hereof, to summon
and warn 24 able and sufficient men to be

The Office of a Coroner.

and appear befoze me at A. the x. day of February next coming after the date hereof, or to morrow being Tuesday, the x. day of F. at the town-hall there, if there be any, or at any other place certain, then and there to doe and execute such things as on his Maiesties behalf shall be given them in charge: whereof fail you not, as you and ebery of you will answer the contrary at your perils. Dated under my hand and seal, this ninth of February, An. Dom. 1638.

Per me Jo. W. unum Coron' Dom.
Reg' com. præd'.

To the Constables and Tithingmen of the Hundred of B. in this behalf, ioyntly and severally, greeting.

AND when he cometh to the place appointed, he must then call for the Constables and Tithing-men, to whom he did direct his warrant, for their return; and when he hath that, then he must cause one of them, or some other for them, to make three proclamations or oyes, and call the iury thus: You good men which be returned to appear here this present time, to inquire for our Sovereign Lord the King, answer to your names, as you shall be called, ebery man at the first call, upon pain and perill that may fall thereon. This done, when you have a full iury of 14 or 15, call the foreman to the Book, and swear him thus; You shall duly inquire, and true

The Office of a Coroner.

9

true presentment make of such things as shall be given you in charge, according to your evidence : so help you God, and the contents of this Book.

Then call the rest of the jury, and swear them by four at once, and swear them thus :

All such oath as A. B. your foreman hath taken before you on his part, you and every one of you shall well and truly observe and keep on your parts : so God you help, and the contents of that book.

And when they are all thus sworn, call them again, and let the clerk count them after you, and then bid them stand together and hear their charge.

Then begin your charge thus :

Sirs, you that be sworn, you shall understand what the cause of our meeting is here now at this present. It is to inquire and present or find, how A. B. came to his death : for when any man, woman, or child, do come to their death by any casualty, or untimely means, then the King hath appointed Coroners in every County to inquire thereof by the oaths of men : And therefore by virtue of mine Office, I have caused you to be called hither, and have impannelled and sworn you to that purpose, to the end the King and his immediate Officers may be truly certified how and by what means he hath lost his subject : therefore now your charge is, to inquire how and by what means the said A. B. came to

The
Charge.

to his death, that a true record may be made thereof. If he was slain in fight, then you must enquire by whom, when, and where, and in what manner, and with what weapon, as near as you can, and what goods, chattels, lands or tenements the offender had at the time of the fact committed, or at any time since, and whether he be fled for the same or no. For I must tell you, that Coroners have authority to enquire by their office of all manner of homicides and slaughters of men, especially above all other things, and that by the oaths of men super visum Corporis, and not otherwise. And these homicides and slaughters of men are of divers kinds or degrees, but they are all comprehended within two kinds, viz. spirituall homicide, and corporall homicide: the first is the slaughter and destruction of the soul, which is Gods part, if he die in the faith of Christ: and the other is the slaughter of the body, which is the Kings part, that must take his end by the due execution of Justice for the offence committed against the Law. And a corporall homicide is twofold, that is to say, Lingua, & Facto. Lingua is threefold, viz. in commanding, in giving of counsell, and in defending: Facto is fourfold, viz. in execution of justice, homicide willingly done, homicide done by chance, and homicide done by necessity. Homicide done by justice, is when a man is justly condemned and executed for his offence: homicide willingly done, is either murder, or at the least man-slaughter: homicide done by chance, is by some accidental

cidentall means, as where one is killed by ca-
 sting of a stone unawares, or shooting of an
 arrow, or such like, and killeth one against the
 will or intent of him that casteth or shooteth:
 and homicide of necessity, is when a man can-
 not chuse, but he must either kill or be killed,
 and that will be taken to be in his own de-
 fence. Then there is homicide inevitable for
 the advancement of Justice; and that is
 where a Sheriffe or other Officer by warrant
 pursues a Felon, which will not obey or yield
 himself, but offereth violence, and so is kil-
 led in apprehending; or where a man killeth a
 thief, which would rob him: In these cases
 he which committeth such homicide shall be
 acquitted, and neither lose life, lands nor
 goods for the same. There are other homi-
 cides which are no felony, and that is where
 a mad-man either kills himself or any other
 person when he is mad, or where a child is kil-
 led in the mothers belly, not in rerum natura:
 and that for two causes, viz. one because it
 had not the name of baptism, and the other
 because it cannot be certainly known, whe-
 ther the mother killed it by some other means
 or no. But if an infant of 9 years old kill a
 man, woman, or child, if such Infant then
 know good from evil, it is felony in such an
 Infant, and that will be well known and
 perceived by the answer of such an infant, to
 such questions as may be demanded of him. Or
 here also, if a man take upon him to be a Phy-
 sician or a Surgeon, and not allowed to use
 and practise such faculty, if he take upon him
 a cure

a cure, which dieth under his hands by his ignorance, it is held to be felony in such Physician or Surgeon. Also if a man keep a dangerous beast, as a Bull, a Bear, a Dog, or such like, he knowing them to be dangerous, and yet doth not keep them tied, but wilfully suffereth such beasts to go at large without a keeper, if such beast kill a man, woman, or child, it is held to be felony in the owner of such Beast. Also there is another kind of homicide, which is a kind of murder, called *felo de se*; and that is where one hangs, or kills, or drowns himself for lack of grace: for as it is murder and felony for one man willingly and wilfully to kill another; so likewise it is murder and felony for a man to kill or drown himself willingly and wilfully, yet they are not both in one case and predicament: for the first doth forfeit by that fact both his lands and his goods; and the other forfeits but goods and chattels, and no lands. There is also another kind of homicide, not done by man, but by some casuall means, and that is called homicide by misadventure or misfortune, by a Horse, or a Cart, or a bough of a tree, or such like: and in this case, *omne quod movet cum eo quod occidit hominem deodand' est domino Regi*, and it is forfeit to the Kings Almshouse, unless the King or his progenitors have formerly granted the same away to some Lord of a Liberty, as they commonly do; then if it happen to be within such liberty, it belongs to the Lord of the Liberty. But if
any

any of these homicides fall out to be wilfull murther, which is a most bloody and a crying sin, and cannot be too severely punished, therefore by the Law the offendour herein ought to lose both life, lands, and goods, an eye for an eye, and a tooth for a tooth. And if manslaughter, if the offendour can read well, then he may in favour of life, by the Kings mercy, have the benefit of his Clergy, and so save his life; but he shall lose and forfeit both his lands and goods, and yet the Law of God not therein satisfied. The goods must be found, appraised, and valued, of such offendours, and left in the Township or Village, where such offendour dwelleth, by them safely to be kept, untill the offendour be acquitted or convicted by due course of law; in the meantime the offendour must be maintained with his goods, so as he may be kept alive to answer his fact, and what shall remain when he is convicted, those to whom such goods do belong by the Law, must have them, and not before, and thereof discharge the Township or Village which had the custodie of such goods. And as for the offendours free land, if he have any, immediately after conviction, the King must have annum, diem & vastum therein, and after the Lord of whom it is holden shall have it as an escheat. And thus having discoursed at large of all these things incident to my office for your instruction, I will make an end, and trouble you no more at this time: and so you shall hear your evidence.

Then

Then if the evidence be ready, they must be called and sworn thus :

THE evidence that you shall give to this inquest shall be the truth, the whole truth, and nothing but the truth : so help you God, and the contents of this book.

And if the evidence be not ready, then you must appoint the Jury a day and a place to come to you to receive their evidence ; & least they or any of them should fail to come to the place at the time appointed, you may bind them by recognisance in x. li. or xx. li. apiece, and in the mean time you may send your Warrant for the witnesses to come before you to be examined, and to deliver their knowledge concerning the matter in question ; and be sure to take their examinations in writing under their hands ; and if it be about the trial of any mans life, then you must bind over all the witnesses in xx. li. apiece at the least, to appear at the next Assises then following, to deliver their knowledge therein viva voce, if they shall be thereunto required.

The form of which Recognizance is thus :

South.

Tertio die Oct' an' Reg. Ja. &c. xv. 1617.

Jacobus S. de B. in com. præd' cognovit
se debere Domino Regi xx. l'.

Sub conditione,

That if the said J. S. do personally appear before the Kings Majesties Justices of Assise and Gaol-delivery, at the next Assises to be holden at the Castle of W. for the said County,

County, and then and there deliver and set forth his knowledge touching the death of A. B. and do not depart thence without licence of the said Court: That then this present Recognizance to be hold and of none effect, or else the same to stand, remain, and continue in force, strength, and virtue.

Capt. & cogn. 3. die O. ann. 1617. prad'
coram me I. W. gen. un' Coron. dom.
regis com. prædict.

I. W.

This offence is the highest and greatest of- Of wilfull
fence that a Coroner is to meddle withall by murther.
his office, & it is defined by Bracton to be Ex-
traneorum & notorum hominum occulta occi-
sio manu hominum nequiter perpetrata. quæ
nullo sciente aut vidente sit fact' preter solum
interfectorem & suos coadjutores, adeo ut nul-
lus statim insequatur clamor popular', &c. And
so ye may see how that Englechery, id est, An-
glicus est, &c. was presented in ancient time
untill the fourteenth year of E. 3. At which
time by a stat. made 14 E. 3. c. 4. the pre-
sentment of Englechery was wholly abroga-
ted and adnulled, the letter of which stat. is
thus: viz.

Item, For that there are many mischiefs
happened in many countries in England,
which knew not how to present Englechery,
for which cause the commons of the counties
oftentimes were before the Justices in Eyre
amerced, to the great grievance of the people: At

It is therfore agreed that at no time hereafter any Justice of any Cyze shall put any article or opposition presenting Englechery to the commons of the Counties, nor against any of them: But that for ever Englechery and the presentment thereof to be wholly omitted and made bold; so that none for this cause be from henceforth impeached. By the words of this statute it appeareth that the presentment of Englechery was so divers, by the divers customs of severall countries, that the countries knew not well how to satisfie the Justices in the presenting thereof, but for the undue presenting thereof they were often amerced and sore grieved: And yet Bracton saith, *Quoniam in diversis comitatibus diverse presentatur Englicheria, inquirendum est in omni itinere ab initio quæ sit consuetudo eam presentandi.* Also he putteth there in his Book many things which excuse the Country by the Common Law from that amerciament or payment of lxxi. marks, for he saith in this manner, *Et pensatur quandoque, &c.* And that that also was the common Law appeareth in Britton fol. 15. which agreeth throughout with that which Bracton hath here written, the which common law is changed, as I have said before, by the said Statute made in the 14. year of E. 3. wherefore a man at this day may define murther in other manner then Bracton and Britton did, viz. It is murther, when any man of malice prepenfed killeth another feloniously, having no regard whether he kill him open-

ly or secretly, or whether he be an English-
man or not, so that he live in the Realm un-
der the Kings protection: and homicide that is
done in such manner is called murther at this
day: for the name of murther was not at any
time changed, but the Law retained the same
continually for the hainousnesse of the crime,
to put a difference between homicide by chance-
medley and murther. And therefore if a man
be indicted of murther at this day, a pardon
of all felonies will not help him, and that is
by the Statute of 13 R. 2. cap. 1. the letter
whereof you may see hereafter: and also the
Statute of 1 Edw. 6. cap. 12. which insueth,
videlicet, Prohibited also, and be it enacted by
the authority aforesaid, that all wilfull kil-
ling by poisoning of any person or persons that
at any time hereafter shall be done, perpetra-
ted or committed, shall be adjudged, taken,
and deemed wilfull murther of malice prepen-
sed, and that the offenders therein, their ai-
ders, abettors, procurors and counsellors
shall suffer death, and forfeit in every behalf
as in other cases of wilfull murther of malice
prepensted.

Man-slaughter is where one killeth another Of man.
having no malice prepensted so to doo, yet it is slaughter
felony, and he shall lose his lands and goods,
and his life too, if he cannot read well, as is
said before in the charge: The which thing if
a mad-man doe, it is no felony in him, nor he
shall not be arraigned for it, when he is of
good memory, as it appeareth in Fitzh. fol. 33.
and 21 Hen. 7. Tamen in the Epres of Forth-

ampton in 3 E. 3. it appeareth there, that he should purchase his pardon of course: And with that agreeth 26. li. ass. And the same Law which serveth for a man lunatick serveth for a man that is deaf and dumb, as ye may find in the same plea. And if one of the age of 12 years or more kill another, that is felony: the same Law is if he be but 9 years old at the time of the killing; so that it may be perceived that he understandeth good from evil, as by his excuse, or by any act done since the killing, videlicet, in hiding the dead corpes in any secret place to the intent it should not be found, and known. *Quia in tali casu malitia supplebit aetatem, ut patet 3 H. 7. & tit^r Coron^r 51.* And there they respited execution of him to the intent they might procure his pardon. And Bracton said in those cases of Lunaticks, and of the infant, *Quod alterum consilii inopia tueretur, alterum facti imbecillitas excusat.*

And if a Surgeon or a Physician allowed have one in cure, which dieth presently after, or within a short time after, that is no Felony, for that he did nothing feloniously; but if he killed him with Physick or Surgery, it was done against his will: quod vide titulo Coronæ 163. & Brit on fol. 14. c. Contr.

Also if a man have a Bull, Bear, or a Dog, which is accustomed to doe hurt, and his master or owner, well knowing the same, yet do not tie him up, but suffer him to go at large, and being so at large, he killeth a man, this is held by Fitzherbert, 311. to be felony

felony in the Owner of the beast, by reason of the sufferance, for thereby the owner seemeth to have a will to kill. And note that in ancient time, the will was so material, that the same was taken for the fact; ut patet titulo 1 E. 3. where one compassing the death of another, woundeth him so grievously that he leaveth him for dead, and afterward lieth, and the man wounded reviveth: and yet notwithstanding, it was then adjudged to be felony, inso-much as the will appeareth to have killed him; voluntas reputabitur pro facto. And with the same agreeth Bracton, who saith, in maleficiis spectatur voluntas, & non exitus; & nihil interest utrum quis occidat, an causam mortis praebeat. But this law is not now in force, for he must be dead indeed before it be adjudged felony. And if a man hurt another with an intent to beat him, but not to kill him, yet notwithstanding, if he die of such beating, it is felony in him that so did beat him: wherefore at this day a man may convert the text to Bractons opinion, and say, quod exitus in maleficiis spectatur, & non voluntas duntaxat, as in the case next before, &c. Vide titulo memorato, where for the malicious words of a woman 2 men fought, and the one killed the other, the woman in this case was arraigned of the death of him that was slain. The like case if three men go together to make a disame, and one of these three doth kill a man, the other two in this case are taken to be principall felons, and yet they did it not of any evil will, but only came in one company together: quod vide

titulo Fitz. 350. So that many cases may be found, *ubi exitus spectatur, & non voluntas duntaxat*, as before is said. Wherefore to conclude, we may say that the will, unless the fact ensueth the same, maketh no offence at this day, but in treason given by statute, &c.

It is a generall opinion, and commonly agreed upon, that if a man have judgement to be hanged, and commandment given to the Sherif to see execution done according to the judgement, if the Sherif after of his own authority do behead the prisoner which was appointed to be hanged, then this is felony in the Sherif, because the order of the Judgement is not obserbed, in putting the prisoner to death. The same law is, if one that is not the Sherif will kill a prisoner as he is going to the gallows to be hanged, of his own head and authority, *quod vide* 35 H. 6. And for this felony the wife of the prisoner may have an appeal against him that killed her husband. But Scrope is of opinion, that it shall be otherwise, if he that is killed be attainted by outlawry, as it appeareth 2 E. 3. where he that is indicted alleageth, that he for whose death he is indicted was and is outlawed of felony. Scrope, It may be that that outlawry is reversed, or that he had his charter of pardon, wherefore thereof he must make search, and send into the Chancery to understand there, if he had a charter of pardon, and in the mean time he shall be let to bail till a certain day, that the truth be known. And he said further, that if he found that the outlawry was

not

had done well, &c. And therefore note ye, as a man may justifie the killing of a man befoze an arrest, even so he may justifie the same after an arrest, so that the same do arise upon an inevitable necessity, as befoze is said. And therefore one is arrested of felony, & as he is carrying to the Gaol, he maketh debate and flieth, and the other in such sort pursueth him, that he cannot take him again without killing of him: this manner of killing is justifiable; qd' vide 3 E. 3. And the case is there, that a man did fly to a Church for felony, & after in the night he went from thence, and the village that did watch him in the Church did pursue him & killed him, for that he would not yeld himself, and it was allowed as well done. Tamen eodem titulo 3 Ed. 3. Lowth doth doubt of this killing, in that it may be that he that was arrested was not guilty of the felony, although he was indicted thereof: and nothing like the case where one is pursued upon a robbery done, and the thief killed. But by the book aforesaid it appzareth that such killing is not felony, nor that any thing shall be forfeit for the same, nor that any pardon is needfull: sed vide ibid. fol. 344. that in that case it is finable, and a fine of xl. s. was paid for the same: sed quar. whether the same was for the killing, or for the escape. And note, that he which killeth another by reason of any matter inevitable, ut supra, to be found befoze him by reason of any jurisdiction that he hath to inquire of felonies, he shall not be discharged upon such indictment found, untill such time as he be arraigned

raigned upon the same, and the matter also found by verdict, ut patet eodem titulo, for that he himself was Judge thereof. Otherwise it is if the finding of the same be before other Commissioners. Vide le Statute de malefactoribus in Parcibus, made the one and twentieth year of E. 1. which giveth power to Foresters, Parkers and Warrenners to kill the offenders, if they will not be justified, &c.

As for example: Many do come to burn my house, my self being within the same, and they compass about the house, but they burn it not; and I shoot out of the same house, and kill one of them; this is not felony, ut patet 26. lib. Ass. The same law is if they come to my house and rob me, and my boy or my man that is with me in my house killeth one of them: qd' vide in Fitz. titulo Coron' 3 E. 3. per Lowth, & ibidem pag. 505. where it was presented that a man had killed another in his own house defending himself, and it was demanded of those that made the presentment, if he that was so slain did come to rob him; for in that case one man might kill another, though that it be not in defence of himself, &c. And in all such like cases a man shall go quit without any forfeiture, or without expecting the Kings grace, in that my house is unto me as my Castle, out of which the Law will not constrain me to fly, &c. The same Law is if one come unto me, when I am out of my house, and will rob me, wherefore I kill him: for in 26. lib. Ass. the case was that a thief assailed a man in his ship, and he pursued

Homicide in a defending of a mans house and his goods against thieves, lawful and justifiable for the urgent necessity thereof.

sued him so hardly, that the man killed him; and generally it was affirmed that the man should be discharged and quit without pardon. And note well this latter book; for that maketh expresse mention, that he shall goe quit without pardon: but the other books speak nothing neither of pardon, nor yet of the forfeiture: wherefore it may be doubtfull to some, whether he shall forfeit his goods, and whether it shall be needfull to have a pardon or not. And therefore to take away all doubts, a statute was made An. 24 H. 8. the letter whereof is this: For as much as it hath been in question and ambiguity, that if any evil-disposed person or persons do attempt feloniously to rob or murder: and so see the statute at large, that it is lawfull to kill him.

How necessity shall be interpreted in homicide in defence of ones self.

Note, that the necessity ought to be so great, that it ought to be esteemed not avoidable, or otherwise he shall not be excused; for in this case ye have not to doe with as in the case before, but with a iust man. And whether the person that is so killed, or the person that doth kill, doth begin the fray, it is not material, but the whole matter consisteth in the necessity inevitable, without which the killing by any means is not excusable. Wherefore to make a definition of homicide done in a mans own defence, we must say that properly it is when A. doth make an fray upon B. and hurteth him, and B. fleeth as much as he can for safeguard of his life, so that he is come to a strait, beyond the which he cannot fly,

fly, and A. still continueth, whereby B. hurteth and killeth him: this is called homicide in a mans own defence. For if B. might have abated the same, and did not, but when A. had hurt him, he then had hurt A. again even to death, then was it man-slaughter, and so felony in B. ut patet in Fitz. 226. But when A. hurteth B. B. hurteth him again but not deadly, and afterward B. flieth, ut supra, and A. pursueth him till that he cometh into a strait, ut supra, and then B. doth kill him, that is not felony, but in his own defence. And so ye may note, that although B. gave to A. divers wounds, that is not material, because he flieth from him as much as he can befoze he gives to A. the deadly wound. And that ye may see in les Eyres of North, &c. 2 E. 3. And Bract. hath a case for the confirmation of this law. Jure evenit ut quod quis ob tutelam sui corporis fecerit jure id fecisse existimatur. And note, that it appeareth befoze in 43. li. ass. befoze noted. And it is not a sufficient verdict to say, that the prisoner killed another in his own defence, but they ought to shew the matter, especially in what manner it was done. And although that it be specially found upon the indictment, yet notwithstanding he shall not thereby be discharged untill he have purchased a charter of pardon for the same, the which is a confession, by amplification of the indictment; or else otherwise, wholly to estrange himself from the fact, and to plead not guilty, and so to be found. And this is so done, to
the

the intent to induce the forfeiture of his goods, being forfeit by the same offence, ut patet 4 H.7. And where the statute of Gloucest. c.9. saith, that he ought to put himself upon an Enquest de bono & malo, that it is to be understood, when he is indicted of murder or homicide, and not where in the indictment the speciall matter is found: for to such an indictment of murder or homicide, it ought to be pleaded not guilty: for to plead the special matter, viz. that he killed him in his own defence, it is no plea, in that it should be as a justification; whereas such kind of homicide is not in any matter justifiable, wherefore he ought to plead not guilty, and then that special matter found by verdict shall give him advantage, &c. Contrariwise it is in trespassse, for there the party shall not take advantage of a justification found by verdict, if it be not pleaded by the party. And so note, that he shall not be discharged of this special matter, till such time as he hath purchased his pardon, or else be acquitted thereof by verdict: and then his discharge shall be in this manner, viz. if he require to purchase his pardon, he shall first be letten to mainprise, and then he shall sue forth his writ of Certiorari directed to the Judges of Assise, before whom the indictment lieth, to certifie the Record to the Chancelloz of England, who will make him a Charter of Pardon in such a case of course, without speaking to the King for the same. And yet the Statute of Gloucest. saith, that the Justices ought to make the King priby of the

the same, and that the King therein should shew him the grace if it so pleased him : but the making the King pryvy thereof is to be understood, the Certificate of the same made to him in his Chancery is sufficient, for that in the law he is always said to be there present, &c. And for these matters vide tit. 44 E. 3. 15. & 3 E. 3. where it is said, that when a man is acquitted before the Judges of Assise of the death of a man in his own defence, he shall have a writ from the chief Justice, within which shall be contained the whole Record of his acquittal, to the Chancelor, who will make his Charter of pardon without speaking to the King, &c. And note ye before, that in the Eyres of Northampton the Jury did find that he fled for the Felony, for which cause he shall forfeit his goods, quasi diceret that he should not forfeit his goods unless such a flying away had been found : but the Law is not so, as it appeareth 44. & 45 E. 3. & 1 H. 7. before noted, wherefore we are to think, that the inquiry of a flying was surplusage and void, &c. And consider well the words of the Statute of Gloucester, which be these : It is ordered and agreed, that hereafter no Writ shall issue out of the Chancery to inquire for the death of a man, if a man hath killed another by misadventure, or in his own defence, or in any other manner without felony ; but he shall be imprisoned untill the coming of the Justices of Gaol-delivery, if he cannot find pledges for his appearance before them, and then he shall put himself

self to his trial by the country de bono & malo. And if it be found by the country that he did the same in his own defence, or by misadventure, then the Justices of Assise are to certifie the King thereof in his Chancery, and from thence he shall have his pardon of the Kings grace. This Statute maketh mention of Justices errant and of Justices of Gaol-delivery: wherefore it seemeth that if any be indicted before them, that he killed one in his own defence, that that indictment is as good as if the same had been found before the Coroner, upon the view of the dead body: otherwise it is if such indictment be found before Justices of Peace, for that they have not any authority to take any such indictment. And note, that it appeareth 44 E. 3. before cited, that there is one case where one shall be killed by chance-medly, and yet he that killeth him shall not forfeit any thing: as if A. striketh B. to the ground, and thereupon A. draweth his knife to kill B. and B. lying upon the ground draweth his own knife, and A. is so hasty to kill B. that he choppeth himself upon the knife which B. had in his hand, and so A. was slain: and it was adjudged in this case, that the said B. was not culpable of the death of A. nor shall forfeit his goods, because A. in a manner killed himself, &c. And as it is in the Eyres of North. before pag. 286. and 297. there is a case not much unlike to this case, which hath a contrary judgement, and yet if collation between them be made, ye shall find that they are not both alike: for there he

did not lie upon the ground, but stood upon his feet, insomuch that he might have made other defence for the saving of his life then the other could that did lie upon the ground. And the case there was this: viz. A. did strike B. and B. did fly till that he came to a strait, as it is aforesaid, and then B. perceiving that A. would kill him, did hold a pitch-fork between him and A. and A. was so fierce that he ran upon the pitchfork, and so was slain: and yet notwithstanding this matter, B. was put to purchase his pardon of course, and besides forfeited his goods, &c.

And that is if a man without any evil intent cast a stone or shoot an arrow whereby one is hurt unawares and slain, going to the market, or about any other necessary and lawfull businesse, this manner of killing is homicide by misadventure, for the which the offender shall have his pardon of course, in the like sort as befoze in the case where a man shall have it for killing of a man in his own defence. And that is by the said Stat. of Glouc. ut pat 3 E. 3. and he shall forfeit his goods, as befoze in the case of killing a man in his own defence. Vide the Statute of Marlebridge cap. 15. that saith, *Murdrum de cetero non adjudicetur coram Justiciariis. ubi infortunium tantummodo adjudicatur, sed locum habeat murdrum de interfectis per feloniam tantum, & non aliter.* By which Statute it appeareth, that misadventure by the Common Law was adjudged for murder. But that ought to be with a distinction which Bracton hereafter hath made, that is to say,

where

Homicide
by misad-
venture or
misfor-
tune.

where one hath done a thing lawfull, and where not: for if he hath done an unlawfull thing, and if any misadventure do thereof issue, whereby any one is slain, that is felony at this day, if it be not murther. And therefore if A. strike B. and C. comes between them to part them, and is deadly wounded by the said A. or B. without any evil intent; yet notwithstanding if C. upon that hurt do die within a year and a day next after such hurt given, it is felony in him which hurt C. and not a misadventure, for that the fact which A. and B. did was unlawfull, ut pat' tit' Coron' 22. libr. Ass. And if A. and B. did intend one to kill the other, then it is felony in them both, ut pat' 22 E. 3. And note that the same order is to be observed in pleading, the verdict, forfeiture, and pardon of one that killeth any by misadventure, as is aforesaid, to be of one that killeth another in his own defence, and the said Statute of Glouc. extendeth as well to the one as to the other.

Homicide
called felo
de se.

Bracton defineth felo de se in this manner: viz. Eodem modo sicut potest quis feloniam facere interficiend' alium, ita feloniam facere potest interficiend' seipsum. Feloniam quidem facit de seipso qui reus alicujus crimin' capt' sit pro eod. utpote pro morte hominis, vel cum furto manifesto, vel qd' utlagat' sit, vel in aliquo scelere vel maleficiis deprehensus, & motu penæ imminentis mortem sibi consciverit: hæredem non habebit quem sic convicerit feloniam prius fact' viz. furtum, mors hominis, vel hujusmodi; & conscientia metus in reo pro confession' habet'.

Agree.

Agreeing to Bracton, ye shall see the book titul^d Coron^r in Fitz. 259. where a felon of himself shall forfeit his lands. But whether he had before he killed himself committed felony or not, appeareth not by the book. Ideo quar. if this distinction that Bracton hath made be Law at this day. for it appeareth in divers other books, that a felo de se shall forfeit his goods onely, and no lands, as pag. 301, 362, 420. tit jam dicto: and there also it appeareth, pag. 324. That if one that is frantick from day to day do kill himself, that such a man shall forfeit no goods or chattels; but otherwise it is if he be not frantick from day to day, but onely at some times. Also there pag. 244. was presented, quod quidam lunaticus percussit se ipsum cultell^o suo, & postea recuperavit de infirmitate sua, & habuit jura ecclesiastica, & obiit ration^e plagæ quam accepit. Catall^o ejus non fuerunt forisfact. The contrary whereof ye shall find pag. 142. But the Law is clear, that if a man which is of good memory committeth the same fact in such manner, and afterward recovereth, and yet notwithstanding dieth of the same plague that he gave to himself, he in that case shall forfeit his goods. Vide ibid. the case p. 94. that was before remembred, that is to say, where A. striketh B. to the ground, and thereupon A. plucketh out his knife to kill B. & B. lying upon the ground plucketh out his knife, & A. is so hasty to kill B. that he choppeth himself upon the knife of B. and so is slain: in this case A. is a felon of himself, and that case agreeth with Bracton heretofore.

Deo-

Homicide
not com-
mitted by
man, but
by some
casualty,
whereof
cometh
Deodands.

Deodand. est, where any person cometh to his death by misadventure of any thing that shall fall upon him, or by misadventure of a fall that he taketh from a Cart or a Horse, or any other thing, the same not being occasioned by any other person, the thing that so occasioned the death shall be forfeited, and taken as a Deodand, to be distributed in Alms, for the benefit of the soul of the dead person. And note, that it is not materiall whether the thing that killeth him be moving at the time that he was killed or not: for although that it be not moving, yet notwithstanding it shall be called a deodand, as well as that which was there moving, as it shall be hereafter expressed. And therefore when you speak of a thing moving, that is only to this intent, viz. That all things moving with the thing which is the occasion of the death shall be forfeited, as well for a deodand, as the principall thing: qd' vide tit Fitz. 403. ubi dicitur, quod omne qd' movet cū eo quod occidit hominem deodand' est domino Regi vel feod' Cleric'. And therefore ye shall find ibid. pag. 398. where a man did cut down a tree, the which did fall upon the bough of another tree, which bough did fall upon a man and killed him, it was adjudged that as well the tree as the bough should be a deodand. And the same Law is, where a man doth ride upon a Cart, and the Cart falleth upon him and killeth him, here as well the horses which draw the Cart, as the Cart it self, shall be deodands, ut pat' ibid. pag. 388. And ye shall find, pag. 397. that a man be-
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ing upon a Cart loaden with fagots, & ligando eam cecidit motione unius equi in eadem carecta existens, per qd' obiit, and the Horses and the Cart were adjudged for deodands. Also pag. 405. a beam on which did hang a bell did fall upon a man and killed him, the bell as well as the beam were adjudged for deodands, non obstante quod fuerunt bona ecclesiæ: sed tamen, de gratia & honore ecclesiæ, capitalis Justic' redonavit. Et pag. 326. a man falleth out of a Cart loaded with Hay, and the wheel of the Cart doth break his leggs, whereof he dieth, and the Hay was adjudged to be a deodand as well as the Cart. Tamen pag. 342. a man falleth out of a Cart, and breaketh his neck, as he was loading of it with straw, by the mobing of the Horse, the Horse & Cart were all adjudged deodands, & not the straw, by reason that the straw was not the occasion of his death: quare differentiā, &c. Et pag. 401. quidam equitando equum suum se submersit, equus adjudicatur deodand, &c. Hitherto we have spoken of things mobing which do cause deodands. Now let us speak of things not mobing, and yet shall be deodands. Vide titulo jam dicto p. 409. where a Carter climbing upon one of the wheels of his cart to gather plums, falleth from the cart, whereby he dieth: Et quia testatum est quod nec equi nec carecta movebant se, ideo tantum rota deodand. est domino Regi, &c. The same Law is, where a man doth fall into a pond of water, which water carrieth him under the utter wheel of a mill, by which wheel he was oppressed and
D killed,

killed, and the wheel onely in this case was adjudged a deodand, ut patet ibidem pag. 389. Vide ibidem pag. 348. where it is said, if a man fall from a load which is worth a *℥.li.* by the which he receiveth his death, all the same shall be a deodand. And also it appeareth by these cases, that deodands shall be as well of things that move under a man and kill him, as of things which do not move, but the man moveth himself from them. And note, that befoze it is said, that all things moving with the thing which is the occasion of the death shall be forfeited. So in like manner, all things not moving with the thing which is the occasion of the death shall not be forfeited: as in part you may perceive by the case of the cart and straw befoze cited; & titulo Forfeitures in Fitz. 12 R. 2. wherein quædam massa terræ cecidit super hominem & ipsam oppressit, in such sort that he died, and it was adjudged that the said massa terræ onely should be forfeited, and not the hole or pit where he was killed. The same Law is, where a man falleth from his horse, & quasheth his head against a block, whereof he dieth; the horse onely shall be adjudged a deodand, and not the block, in that it moved not at all: qd vide ibidem pag. 341. And also Britton titulo Coron' fol. 6. saith, that if a man fall out of a ship sailing, nothing is the occasion of his death but only the ship; and yet the things moving may be said to be the causes of his death: the merchandise lying at the bottom is not any cause of his death. This ship so sailing

ling ought to be upon the fresh water, &c. for if it should be on the salt water, it seemeth that it should not be a deodand; as it appeareth by Bracton titulo Murder, who saith there in this manner; non deodand. est navis nec battellus nec alia catalla quibus submersi sunt in mare, nec in falsa; nec wrecum erit, cum sit qui catalla diceret & dicere possit. Et nota, that it seemeth to one by the book before pag. 389. that if he die by misadventure, and be within the age of 14 years, that then nothing shall be forfeit for a deodand, for there presentment was, that A. filius B. ultra 14. an. &c. tamen quære & vide Fitz. titulo de Indictments pag. 27. That where a man was found dead in the field, Belknap said that his appeal should be given to the Church, to pray for his soul, & should not be taken for a deodand. And note that every deodand the sheriffe shall answer, viz. he shall be charged to levy the price thereof of the village, notwithstanding the thing was not delivered to them to keep before, qd miru, ut patet ibid. pag. 298. And therefore when such a misadventure is found, the presenters should find, appraise, and value the deodand, and the coroner should return the same in his Inquisition, and in whose custody the same remains: so then the King may know by that Record, of whom to demand it by Proccesse out of the Crown-office.

It is requisite that the thing that is killed be in rerum natura. And therefore if a man do kill an infant in the mothers belly, that is not felony, nor he shall not forfeit any thing

for it; and that for two causes: one is, for that the thing that is killed had not the name of Baptism: the other is, for that it is hard and difficult to judge whether he killed it or no, that is to say, whether the infant died of the beating of the mother, or by any other occasion, ut patet titulo Corone, &c. pag. 263. Et vid' there pag. 146. a more strange case, viz. A man did beat a woman great with child of two children, so that immediately one of the infants died, and the other was born alive and baptized by a name, and two days after, for the hurt that she had received, she died: the opinion was as before, that it was not felony in the man: & vide the same case in Fitz. titulo Indictments pag. 4. But it seemeth, that the reason where it hath no name of baptism is not of any force, for ye may see titulo Corone before pag. 418. that it was presented, quod quædam mulier eundo versus capellam peperit filium, & statim abscidit gulam, & projecit in stagnum, & fugit, ideo exigatur, & utlaget. for that was homicide, in that the thing killed was in rerum natura before it was killed, and so nothing like the case before, scilicet, where the infant was killed in the mothers belly, &c. the which case Bracton affirmeth for Law, in his division of homicide before, saying in this manner; Si sit aliquis qui mulierem pregnantem percusserit, vel ei venenum dederit, per quod fecerit abortivum puerperium; jam si formatum vel animatum fuerit, & maximum si animatum, facit homicidium. But contrary to this seemeth the Law, as before.

Item,

Item, it is requisite to homicide, that if one beat another whereof he dieth, that that death be within twelve moneths & a day next ensuing the same beating, ut patet pag. 303. The same Law is, if poison be given to one feloniously that he die within the year next after, &c.

It is a common tradition amongst us, That if a Statute-Law give a remedy for any offence, we may understand thereby that before there was no remedy for the same offence at the Common Law, other then is expressed in the said Statute, except we have read any thing that may induce us to believe the contrary. The Statute of Westminster the first, cap. 13. defendeth Rape in this manner, viz. The King defendeth that none shall ravish nor take by force a maid within the age of eleven years with her consent, or without her consent, nor any dame or maid of age, nor other woman, against their wills; and if any so doe, the King shall doe him common right; & if none commence the suit within 40 days, then the King may sue, and those that he shall find culpable shall have two years imprisonment, & after shall be arraigned at the Kings pleasure: and if he be not arraigned, he shall be punished by more longer imprisonment, according to the quality of the trespassse. The Readers of this Statute, if they have not read Glanvill and Bracton, do think that by the common Law Rape was but trespassse, where in truth it was felony, or other more grievous crime. And first Bracton in his second

book of Rape saith in this manner: *Raptus virginum est quoddam crimen quod femina imponit alicui de quo dicit esse violenter oppressam contra pacem domini Regis; quod quidem crimen si convincat, sequitur pena, scilicet amissio membrorum, ut sit membrum pro membro, quia tunc cum virgo corrumpitur membrum amittit, & pro corruptor punietur, eo quo delinquit, &c.* Here I have expounded that which was the Common Law in Rape before the Statute of Westm. 1. wherewith Glanvill agreeth, fol. 113. Also I find amongst the Laws of St. Edwin, once King of this Realm, this Law, *qui cum nanna vel sanctimoniali fornicetur, emendetur sicut homicida.* By the which it appeareth, that he that hath committed but fornication with a Nun, or with a holy woman, he should be punished as an Homicide. A multo fortiori then should he be punished if he had ravished. So that Rape at the beginning was much detested, and abhorred, and very great and grievous punishment adjoyned thereunto, till the time of King E. 1. who seemeth by his Law made at Westminster 1. to have mitigated the pain of the same; and afterward espying the great enormities that ensued the same Law, at his next Parliament holden at Westminster, called Westm 2. cap. 34. did make the same offence of Rape to be felony. The words of which Statute be these, *It is enacted, that if a man doth ravish a woman espoused, a damosell, or any other woman, hereafter, whereunto she neither hath assented before nor after, he shall have*

have judgement of life and members. And in like manner, where a man shall ravish a woman, dame espoused, damosel, or any other woman by force, although she assent to the same afterwards, he shall have the like judgement as before is said, so that he be attainted at the Kings suit, and in that case the King shall have his suit.

The Statute maketh no definition of rape, but leaveth the same to the common Law. Also it seemeth to make a difference between ravishment with force, and ravishment without force, and therefore quare what manner of fact he intendeth. Britton saith, fol. 45. that if the woman at the time of the rape conceiveth with child by the ravisher, that it is no rape, for that that no woman can conceive if she assent not thereunto. Also Bracton saith, that it is a good plea in an appeal of rape, to say, that before the time of the ravishment supposed to be done, he held and used the plaintiff as his concubine. Also it is a good plea for him to say, that though he did lie with her, yet he knew her not carnally: for that is the force of a declaration in an appeal of Rape. And also note, that if a man be to be charged with rape by way of indictment, or otherwise, he ought to be charged expressly by this word Rapuit, and not by any other words, though they amount to as much as this word Rapuit doth, ut puta carnaliter cognovit, & hujusmodi, as it appeareth 19 E. 4. fol. 27. Also there is another Statute concerning rape, made an' 6 E. 2. the which doth put great penalties and

forfeitures upon the woman which consenteth to the ravisher after the ravishment; and yet nevertheless doth give an appeal of Rape to the husband of the wife that is ravished, and if she have no husband, then to her father or to her next of her blood, and that the defendant shall not gage battell in such appeals.

Of treasure trove.

Bracton saith of treasure found in this manner: Est inter cetera gravis presumptio contra Regem, dignitatem & Coronam suam, quæ quidem est quasi crimen furti, scilicet fraudulentæ occultatio inventi Thesauri, &c. Note, that Bracton saith here, that the hiding of treasure found is gravis presumptio. So that it seemeth that in ancient time it was doubtfull whether it was felony or not: and therefore it is said, tit. Coron. in Fitz. 187. that the punishment of treasure found is taken away, and is now by imprisonment and fine, and not of life and members, &c.

Et ibidem eodem titulo p. 446. apparet quod thesaurus non competit Regi nisi quando nemo scit quis abscondit thesaurum, &c. So that if it be known to whom the property is, then the King shall not have it, but he to whom the property thereof belongeth: and it seemeth that if he die before the finding, that his executor shall have the same. Et vide ibidem, quod thesaurus competit domino Regi, & non domino libertatis, si non sit per verba specialia or by prescription. Britton in his book fol. 26. saith, that treasure found in the sea, or upon the land, and not in the earth, appertaineth to the finder, and not to the King, &c. Also
he

he saith, that when a man hath found it, he ought presently to let the Coroner or Coroners of that County understand thereof; or else the Bailiff and the Coroner without delay ought to inquire if any thing thereof be purloined away.

Note, that Britton saith, that Mayhem is properly said, where any member of a man is taken away, whereby he is the moze unable to fight, as if the eye, the hand, the foot, or by bruising of the head, or knocking out of the foz teeth: but cutting off the ear or nose is no Mayhem, but a blemish of the body. Seton Justice said 29 E. 3. that ebery finger of the hand shall be said to be a mayhem, if it be cut off. Item 8 H. 4. ye may see there that it is no mayhem to cut off auriculam hominis, by the which he loseth his hearing; but the knocking out of the teeth is a mayhem, for that with them he may defend himself in battell: and Bracton agreeth therewith, for he saith in this manner, *Mahe'm dici potest ubi quis in aliqua parte sui corporis efficitur mutilatus ad pugnan'd per illum quem appellat, &c.*

Note, that these places and territories here expessed and declared are allowed for sanctuaries for felons, if they can get to them befoze they be taken; viz. Wells in the County of Somerset, Westminster, Manchester, Portsmouth, Norwich, York, Darby, and Lancaster; for all such felons as may have the benefit of their Clergy by the laws of this Realm, and for none else. For treasons, rapes, burglaries, robberies by the high-way, or in

or in a house, where any are put in fear, burning of houses or barns, wherein corn is laid, robberies of Churches, Chappels, or other hallowed places, stealing of Horses or Cares, and murder, with their abettors, procurors, and counsellors; all these offences are excepted by the Statutes of 26 H. 8. cap. 13. & 32. ca. 11 H. 6.

What a
Sanctuary
is.

A Sanctuary is a privileged place, appointed by the King our Sovereign, for the safeguard of the life of man, which hath offended the Law: and it is grounded upon the Law of mercy, for the great reverence, honour and devotion which the King hath and beareth to the place to which he granteth such privilege: which in times past was so greatly had in reverence and honour, that offenders in case of Treason, Murder, Rape, and all other offences whatsoever, had the privilege thereof. Polidore Virgil, in his book intituled *de inventione rerum*, lib. 3. cap. 12. writeth against this ordinance, bouching Moses his Law for his warrant, and saith that he allowed Sanctuary for a man only in this case, where one killed another by chance-medly, not having any malice forethought to doe the same. For in Exodus cap. 21. it is writtē thus, *Si quis per industriam occiderit proximum suum & per insidias, ab altari modo avell' eum ut moriatur.* And therefore it is held that the Kings of this Realm have rather imitated the Laws of Romulus, then of Moses, in granting such large privilege to malefactors: for it was ordained by Romulus, that every one

which

which fled to the Sanctuary in Rome should be discharged of all manner of crimes: which was used here in England before the making of the said stat. of 26 H. 8. and 32 of the same King, &c.

Note, that in high treason there is no accessory, but all are principals, ut pat 3 H. 7. fo. 9. So that what offence soever maketh a man accessory in felony, the same offence in high treason maketh him principal; therefore it is to be seen who shall be accessories in petit treason, or felony, or in other like crimes, in which accessories may be.

Of a principal and accessory.

Note, that if one procure or command another to doe a felony, but is not present there when the other doth the same; this procurer or commander is but accessory before the felony done, ut patet 7 H. 4. fol. 30. but otherwise it is if he be present at the time and place, when and where the felony is committed, for in that case he is a principal, ut patet 7 H. 4. fol. 13.

Of accessories before the offence committed.

The same Law is, if a man be present at the death of a man, and he moveth and setteth on others to wound him and kill him; in this case he is as far forth a principal as he that killed him: qd vide 13 H. 7.

The same Law is, if he were present, and cometh thither for the same purpose, though that at the same time he moveth not the other to strike him, or kill him, nor doth any thing himself, yet he shall be adjudged as a principal, ut pat 21 E. 4. Also vide tit. Coron' in F. 2. fol. 309. where it was found that one that was present

present, yet did nothing, but would have aided his companion, if the dead person had made any resistance, was for that adjudged a principall. And according to this, vide ibm pag. 314, 350, & 433. that all those that come in company in any place or any assembly where any evil is done, be it homicide, robbery, or any other trespassse, they all shall be accounted as principall doers, though that they do no hurt at all. And therefore a man was condemned in that he was accessory where a man was killed, and it was said by twelve that he came not thither to do any evil. And note, that as it was of homicide or murther, even so it is of any other felony, as of rape or robbery, quod vide titulo Coron' in Fitzh. 228. & 11 H.4. wherein was an appeal of Rape against two as principalls, whereas one did not the act, but assisted and aided his companion to do the same: & titulo Coron' in Fitz. fol. 350, & 314. where only one did the robbery, and the others were in his company, and came with him for the same purpose, &c. But if one do chance to be present when another is slain, or when another felony is committed, and cometh not in the company of the felons, nor is of their confederacy, although he withstand not, or disturbeth not the felon, nor levieth hue and cry, yet he shall not be said either principall or accessory: for it is not felony in him, but finable as a trespassse. And if such a man be within age, he shall have no punishment: qd' vide titulo Coron' 395. & 14 H.7. f.33. & vide titulo praxd' 293. where such
 a man

a man that was of full age was but amerced in such a case; &c. Tamen 3 14. *ibid'*, it appeareth that such sufferance is felony, and so was the opinion of Shard 197. but it is against the Law, as it appeareth in the books before cited, &c.

Also if A. hold B. in his arms till such time as C. killeth him, A. for that cause is principall, ut pat 15 E. 3. And note ye, that the Law at this day as concerning accessories is as you have heard before, though that in ancient time some Judges did vary in their opinions for Law in that point: for it appeareth tit Corone in Fitz. 90. & 216. that in the fortieth year of Edward the third, they took the Law to be, That he that was present when any was slain, and aiding and commanding the killer, should not be principall, but accessorie, &c. And in that they did agree with Bracton, who saith in this manner, *Si omnes presentes sunt etiam de forcia quam de facto, &c.* And after the attainder of the principall fact, he goeth to those that be appealed of force, and maketh the appeal in this manner, *viz. A. appellat B. de forcia, quod cum ipse A. & C. frater suus essent in tali loco, &c.* Also he saith in another place, that if two be appealed as Accessories to a third person, scilicet, one of force, and the other of commandment, they shall wage battell, before he shall that is appealed of commandment, *Quia forcia quodammodo in se attinet factum id quod non facit preceptum.* And so by him that is present when one is killed, and being counselling,

selling, aiding, or in any other manner assisting, so that he slayeth him not himself, he is then but accessory, &c. And with him agreeth the Statute called *Officium Coron'*, made the third year of King Edward the first, at Westminster the first: but the Law is not so at this day; and yet the account in every Appeal against the principall is, that every one principally did help, and did strike the party slain, deadly. But to that may be said, That those words be but words of form, and also it is his help in Law, &c. If I command one to take another, and he goeth from me, and taketh him and robbeth him; if I be absent when he doth the same, that is not felony in me, ut patet titulo *Coron'* in Fitz. for that he exceedeth my commandment, and my commandment might have been performed without robbery, &c.

But if I command one to beat another, and thereupon he beateth him to death, that shall be felony in me that command, ut patet ibi 314 for it is difficult and hard to beat a man in such sort that it shall be said he shall not die of such beating, &c. therefore in such case I am accessory to him that killeth him, by reason that it was done upon my commandment, &c.

Accessories after the offence committed.

That is, where one receiveth a felon, well knowing of the felony that he hath committed, or favoureth him, or aideth him, he thereby shall be said to be an Accessory after the fact. But distinguishing of this aid or counsel: for if he aid him with his good word,

and

and sueth for his delibery, or sendeth letters for his deliberance, that maketh him not to be accessory to the felony: ut patet titulo Corone in Fitzh. pag. 195, &c. *¶* Say, this definition is to be made of an Accessory, it extendeth onely to those that be Accessories to a principall attainted: for if after the attainder one receiveth and aideth him, that is, after he be convicted of the felony by verdict, outlawry, or confession, he seemeth to be an Accessory, though that he knew not him to be a felon, in that he is a Felon by matter of Record, of the which every stranger is driven to take cognisance. Tamen quare: for ye shall find titulo prad' pag. 377. one note, which is thus, scilicet; *¶* Note ye, that when a man is indicted for the receiving of a man outlawed for felony in the same County, then he shall lose both life and members: Secus esset in alio com, &c. Ergo thereof insueth, that if one be outlawed for felony in one County, and another receiveth him in another County; he shall not be accessory, for that he cannot take cognisance of that which was done in another County, though that it be matter of Record, &c. And agreeable to this *¶* Note, I find in Bracton written thus, Si quis talem post utlagationem scienter paverit, vel cum eo convictaverit, receptaverit aliquomodo, vel jam occulta verit: eadem pena puniri debet qua puniretur utlagatus, &c. So that it seemeth he maketh no difference between matter in fact and matter of record, &c. in that he maketh scienter material in the case, &c. And note ye, that
by

by the Common Law, if one commit Felony in one County, and before his attainder one other receiveth him feloniously in another County, that was not felony in the receiver for default of triall, in that those of the County where the Accessory offended could not have cognisance of the principall offence committed in another County: quod vide titulus Corone pag. 33. & 43 Ed. 3. Wherefore a Statute-Law was made annis 2 & 3 Ed. 6. which is in this manner: Forasmuch as the most necessary office and duty of Law is, to preserve the life of man, and condignly to punish such persons that unlawfully and wilfully murder, slay & destroy men, &c. Note the preamble of this statute. And also it is a common practice amongst arrant thieves and robbers in this Realm, that after they have robbed and stolen in one county, they will convey their spoil, and part thereof so stolen, to some of their adherents in another County, where the principall offence was not committed, nor done, &c. By this preamble it appeareth, that if one feloniously received parcell of the goods stolen, that he shall be thereby an accessory, &c. Quer thereof: for ye shall find titulo Coron' in Fitz. pag. 126. that one shall not be accessory for receiving of goods stolen onely, if he receive not also the felon himself. And therefore the Indictment was there, qd' sciens, &c. felonice receptavit latronem, &c. and he was discharged thereof, ratione jam dict'. But if he had as well received the felon himself, as the goods, then otherwise it were, ut patet 9 H. 4. fol.

fol. 1. & tit Coron' in Fitz. pag. 427. where a felon did fly to his brothers house, and his brother did shut the dooz, and the Countre that pursued him were deceived thereby, for they did conjecture that he had continued in the house, when he did fly thence to the Church: whereupon his brother was adjudged accessorie to that felony, &c. ut pat ibidem pag. 196. that a man may be an Accessory to an Accessory: As if a man feloniously do receive him that is an Accessory to a felon, &c. Also it appeareth there pag. 48. that he that receiveth an accessory of a felony, is principall, and not accessory, &c. And the reason thereof as I understand, is, for that by this receipt, a new felony is committed by him, though that it dependeth upon the ancient and former felony, &c. And note ye, that Bracton counteth an accessory receptor malorum, &c. ut supra c. 19. f. 26. and saith, that a woman cannot be accessorie to her husband.

I have already intreated of accessories by the Common Law, now therefore I will entreat of Accessories by the Statute Law. It seemeth though an offence be made felony by Statute, though the same stat. doth not speak expressly of abettors, procurors, counsellours, and receivers, yet shall it be taken to be within the compasse of that Statute: as it appeareth in the title of Treason, 19 H. 6. where the consenter and aider to the counterfeiting of the great seal, privy seal, or the Kings money, was adjudged a Traitor: And yet the words of the statute are, if a man do counter-

Accessories by Statute.

The Office of a Coroner.

feit, &c. the which thing the other seemeth not to have done, in that he was not but consenting and aiding to the same, &c. The same Law is in case of rape, where one did the fact, & another assisted him and aided him to commit the rape, he thereby is a ravisher as far forth as his companton which did the rape indeed, as it appeareth 11 H. 4. & tit Coron' in Fitz. pag. 120. And yet notwithstanding the words of the Statute of Westm. 2. ca. 3, 4. are, if a man ravish a woman, &c. But he was the cause of the rape, without which perhaps the rape had not been committed: & a principall doer, in that he was present when the fact was done, & therefore as well culpable of the fact as the principall doer is. And if any be acquitted of a principall fact, he is then acquitted of all offences as Accessory before the principall fact committed, but not of offences perpetrated as Accessory after the principall fact done, as it shall appear after. And therefore some will argue in this case, although that Accessory before the offence committed, be taken to be within the compasse of a statute that maketh felony, though they be not expressed, for the reason before made; yet notwithstanding that probeth not that accessory after the offence perpetrated should be within the compasse of such a statute, if it be not expressed. But howsoever it be, those of the Parliament in the time of King H. 8. provided for the same, as it appearth as well by the Statute of Hunting. anno 32 H. 8. as by other statutes which at this instant are not in force. And by a Statute

Statute made in the first and second year of P. & M. against unlawfull and rebellious assemblies, which Statute as yet is in force; and by a Statute made 1 M. concerning Egyptians, as yet also being in force, the which Statute prohibiteth as well for Accessories before the offence perpetrated, as after. Vide the Statute of 3 H. 7. of those that take maids, widows, or wives, against their wills, where the words are, that such taking, procuring and abetting to the same, and also receiving wittingly the said woman so taken against her will, and knowing the same, is felony: and that such misdoers, takers, procurers, and receivers to the same, knowing the said offence in form aforesaid, be henceforth reputed and judged as principall felons. Note, as it seemeth, there is no Accessory in this offence upon the Statute, in that by the words they be reputed and judged as principal felons, which maketh them as it seemeth all principalls, &c.

Note, that in an appeal of Mayhem, the plaintiff may chuse to make every of them principalls; or him only that did hurt him to be principall, and the others Accessories, ut pat 215, 221, & 199.

There are three sorts of attainders, viz. by confession, by verdict, and default or outlawry; and in all these cases the principall ought to be attainted before the Accessory. But in the manner of proceeding to this attainder, there are diversities of opinions: for Bracton saith upon the attainder by process in this manner,

How the principall shall first be attained, and after the accessories.

causæ quidem utlagationis possunt esse multæ &c. So that it appeareth, that at that time there was diversities of opinions about the manner of attainder of Accessories by Outlawry, which diversity was taken away by the Stat. of Westminster the first, the which is thus, viz. And for that that men have used in some Countries to outlaw the People appealed of commandment, force, aid, & receiptment, within the same term in which a man should outlaw him that is appealed of the fact as principall, It is provided and commanded by the King, that none be outlawed for appeal of commandment, force, aid, or receiptment, untill he that is appealed of the fact be attainted: so that one onely Law thereof be throughout the whole Land, &c. But he that will appeal, should not therefore cease to continue his appeal at the next County against those, as well as against the Appellees of the fact; but the Exigent against them shall stay untill such time as the Appellees of the fact be attainted by outlawry or otherwise. This statute is not to be understood of Appeals commenced by bill: for of Appeals commenced by writ, there appeareth not any to be Accessory till such time as the count be made, the which is not made, till such time as there be also appearance for the Accessory, ut patet 43 Edw. 3. fol. 15. Wherefore in that case where an Appeal is commenced by writ, if the Plaintiff will pray the Exigent against all, he is thereby concluded to count after, against any one of them as Accessory, for if otherwise,

therwise, &c. he should not have the Exigent against all them untill the principall had been outlawed, for in that case he is concluded, ut patet tit Coron' in Fitz'. pag. 80. This statute willeth that the Appellee of the fact be attainted befoze the Accessory shall be outlawed. Admit then, that at the time when the accessory is at the Exigent, the principall appeareth, if then the Exigent shall be awarded against the Accessory, till that the Process against the principall be determined, &c. it seemeth not; for notwithstanding that the Process be determined, yet the principall is not attainted; and untill such time as he be attainted, the accessory ought not to be outlawed, ut supra 7 H. 4. fol. 31. That which is said extendeth to that where the accessory doth not appear, but maketh default: wherefoze now let us see what shall be done when the accessory appeareth in judgement, and the principall also: and in respect thereof, note you, that by the ancient Law, the Accessory should not be put to answer till such time as the principall had been attainted, ut patet per Bracton, Si omnes presentes sunt tam de forcia quam de fact', procedatur contra omnes per ordinem, dum tamen illi de forcia non respondeant antequam ille de facto convincatur, &c. And agreeable unto him is the Book of 44 Ed. 3. c. 9. & tit Coron' in Fitz. 216. but since that time the Law hath been changed, &c. for now, be it that the principall appear, or make default, the Accessory, if he appear, shall answer: but if he plead to an issue, process shall cease to be awarded against

him for his triall, untill the Principall do appear, or be attainted of outlawry, ut pat 9 H. 4. & 7 H. 4. But yet those Process against the Jury shall not cease, unless the Accessory will: for if the Accessory will pray Prozesse against the Inquest, before the principall be attainted, he shall have them, in that it is damage to none but himself. And whether he be attainted or acquitted, it is good, and he shall not be again arraigned for that offence: for the taking of the Inquest or verdict is not erroneous for the reason before made, ut patet titulo Coroner' 463. The same Law is, if the Accessory will wage his battell with the Appellant before the Principall doth come, ut patet ibidem pag. 8. for he may wabe the benefit that the Law doth give him therein, &c.

Note ye, that if the plea which the Accessory doth plead be a plea in abatement of the whole writ, the principall therein shall have the advantage, notwithstanding his absence, so that the Exigent that is to be awarded against the principall shall stay till it be known whether the whole writ shall abate or not, ut patet 9 H. 4. But if they both do appear, viz. the principall and the accessory, then the principall must first answer, and after the accessory: for such answer the Principall may make, that the Accessory shall not be put to answer till the answer of the principall be tried. And that is where the principal doth not plead directly to the felony, but some other plea: as if he plead that he was once before attainted of the same felony, and the appellant to the contrary,

contrary, that it is not so, & so they are at issue: in this case the accessory shall not answer before that issue be tried, 9 H. 7. Quære if the like law be where the principall pleadeth in abatement of the whole writ, &c. But if the principall plead to the felony, the accessory then presently after such plea shall plead also. And if they be at issue, a Venire fac' may be awarded against them all, ut patet tit' Coron', where Fortescue saith, that if at the day in the Court the principall maketh default, the Inquest shall not be taken for the accessory, but that the inquest shall go without day, & the principalls, manucaptors or sureties, shall make their fine, &c. And that agreeth with that which was said before, scilicet, that the Inquest shall stay for the accessory, till such time as the principall cometh to be attainted by Outlawry, &c. Note, when I speak of the principall, I mean then all the principalls: for if there be divers sued as principalls, and some of them do come, and some do not, yet the Inquest shall stay untill all the principalls do come, or be attainted of outlawry, if it be so that he be appealed or indicted as accessory unto them all: otherwise it is if he be not appealed or indicted but as accessory to one of them, for there it sufficeth those principalls onely to come, or to be attainted, for whom he is appealed or indicted as accessory, without having regard to the residue; quod vid. 7 H. 4. fol. 30. & tit' Coron' in Fitzh. 216. Also note ye, that it is requisite that this attainder of the principall be in the same suit in the which the accessories

be sued: for if it be in another suit, that will not permit the accessory to proceed in his inquest till such time as the Principall that is sued with him do come in, or be attainted by process, as is aforesaid. And in an Appeal of death against the Principall and the Accessory, the Principall before that time is attainted of the very same death upon an Indictment at the Kings suit, ut pat 7 H.4. fol.30. Quære, if the accessory shall plead for his discharge the acquittal of the principall in another suit, ut pat 277. Also it seemeth, that if the principall since that attainder is dead, and the Justices before whom such Accessory is sued have before them the record of the attainder, that then they may proceed against the Accessory, otherwise not, 7 Hen. 4. fol. 23. We have said before, that the Inquest shall not proceed against the Accessory, till such time as the principall do come in, or be attainted, &c. Admit then that the principall doth come in, and will say nothing, but stand mute, what shall in that case be done with the accessory? Hussey saith, 3 Hen. 7. that that notwithstanding, the accessory shall be arraigned: quod vide titulo Coron. 36. & 51. where the principal challengeth above the number of 36, which was peremptory to him, therefore he was hanged without farther triall, because he should challenge but just 36, or under, and not above; & in that case the accessory was tried, & found guilty: & the Justices did advise with themselves what should be done in that case, for they were of divers opinions, &c.

This

This Attainder whereof we have so often spoken, though that it be erroneous, yet notwithstanding that Court shall proceed with the Accessory, for the Accessory shall utterly take advantage of that error: quod vide anno 2 R. 3. fol. 21. Also there is one case, that although the Principall be not attainted, yet the Accessory shall be hanged. As if one abiure as Accessory, and afterward the Principall cometh, not being attainted, Tamen the Justices in favor' vite did inquire if the Accessory was attainted or not. The same law shall be in the cases abovesaid, as it seemeth, where the Accessory of his own good will will wage battell, or have the Inquest proceeded, before the Principall doth come, &c.

Note, that if the principall be acquitted, the Accessory is thereby discharged: for Bracton saith, ibi fact' nullum, forcia nulla, nec præcept. nocere debet, ubi injuria null' habuit effectum, &c. Therefore it is clear that the acquittal of the principall is also the acquittal of the Accessory. Or if it happen that the Principall cannot be tried, as if he die in prison before he be attainted, thereby the Accessory is discharged: otherwise it is if he die after the attainder, &c. The same law is, if before the Principall be attainted of the felony, he is attainted of another felony and hanged, the Accessory hereby is discharged, ut patet tit' Coron' in Fitz. 378. The same Law is, though he be not hanged after the attainder, in that case he shall answer to any other felony, unless it be Robbery or Treason. The same Law is, if it be found

Whether the acquittal of the principall discharge the accessory, or not.

found that the Principall killed him se defendendo, the Accessory is thereby discharged, ut patet 116. Et tamen there the Principall purchaseth his Pardon, &c. But that Pardon argueth not that he is culpable in any other manner then se defendendo. But of other pardons otherwise it is: for if the Principall doth plead his Pardon to a felony generally, without any speciall matter found, the which should cause the Pardon, and is thereby discharged, yet that shall not discharge the Accessory, but he shall be found guilty of the felony; ut patet præd. 260. For by such a pardon the felony is confessed, of which felony he prayeth to be discharged ex gratia Regis, and not by course of the Law, as it was done in the other case. Quare tamen, for the contrary is agreed by way of argument 3 H. 7. tit præd 53. and also by the opinion of Thym. 7 H. 4. fol. 13. And his reason is, that when the life of the Principall is given him by the Law, in what manner soever it be, the felony is extinct in his person, and by consequence acquitted.

And so it shall be where the Principall taketh him to his Clergy. And with this case agreeth the book of 3 H. 7. f. 2. Tamen Fitz. tit præd. 53. hath reported that book of 3 H. 7. to the contrary, sc. that notwithstanding that the Principall shall have his Clergy, yet the Accessory shall be hanged. And according to that ye shall finde ibm 270. & 266. Sed distinguendum est of the case of the clergy, sc. whether he be clerk convicted, or clerk attaint. For if he be Clerk attaint, by the ancient Books the Accessory

soz shall be hanged, for that the p^rincipall in that case cannot at any time make his purgation: and otherwise perchance if he were Clerk convicted, in that the Clerk convicted may make his purgation. **W**herefore in that case they did use to let Accessories to mainprise, untill such time as the p^rincipall had made his purgation, &c. ut patet tit Cor 145, 176, 252, 376, 193. & 7 H.4. fol. 13. & 13 E.4. fol. 3. and then upon his purgation to discharge the Accessory; and if he died or escaped before purgation, &c. then to proceed to the attainder of the Accessory, &c. **Q**uare if the difference will hold place at this day in that in the new Books, before they have expugnance of opinion in the case where purgation is to be done, that is to say, in the case of a Clerk convicted: for some would in that case that the Accessory should be discharged, and some would not. So that in that case of the Clergy, and of the pardon, the new Books and the old agree not.

Note, where it is said before, that the acquittal of the p^rincipall is also the acquittal of the Accessory, that is to be understood, if it be not in appeal when the Accessory is to recover damages; for if he will recover damages, he ought to be tried notwithstanding the acquittal of the p^rincipall, ut patet in Fitz. pag. 223. **Q**uare if that be Law now by use: for it seemeth reasonable, that he should have his damages upon the acquittal of the p^rincipall without being tried, or otherwise should ensue, that the Court would admit an Accessory, whereto then it appeareth that there is no

p^rin-

Qd nota.

Principal; which should be inconvenient, for as Bracton hath well said, Non possunt appellantes, primo & principali appellato omisso, jungere duellum, cum appellantes de forcia & precept, &c. In my Lord Cokes 4. Book of Reports, fol. 44. in an appeal brought by one Bibithes, termino Pasche anno 39 Eliz. it is there resolved for Law, that although the Principal was convicted by verdict, yet inso-much that he had his Clergy, his Accessories both before and after the felony were discharged. And the same law is there resolved, if a Principal upon his arraignment confesse the felony, and before judgement gets a pardon, or hath his Clergy allowed him, the Accessory thereupon is discharged. 2 E. 3. 27. 22 E. 3. tit. Coron' 260. 5 H. 4. 16. 19 H. 4. 5. 3 H. 7. 1. & 3 H. 7. tit. Coron' 53.

An ap-
peal of
murder
and rob-
bery.
South.

A. G. vid. nuper ux' R. G. in propria persona sua instanter appellat M. D. nuper de N. in comitatu S. yeoman, & I. B. nuper de A. in comitatu pred. yeoman, in custodia T. P. milit' vic' com. predict. existen', & ad barram duct' in propria persona sua, de mort' predict. R. nuper viri sui, de eo qd ubi idem R. G. 28. die A. anno, &c. fuit in pace dei & dicti domini reg. operans & laborans in comburend. carbonem in terra I. G. milit' voc' S. in quodam loco ibid. voc' a Cole-place, apud C. in com. predict. ibi vener. præt M. D. & I. B. & felon' ut fel' dict' dom. reg. & de insulso & malicia pracogitat. ac ad intention' præt. R. G. de bonis & de denariis suis depredand. & spoliand. in eundem R. G. præt. 28. die A. & anno 30. suprad. circa horam 9. post

9. post meridiem ejusd. diei, vi & armis, viz. baculis, cultellis, &c. apud C. præd. in prædicto loco insultum fecerunt, & eund. R. G. adtunc & ibidem felonice & voluntarie interfecer' & murtherer', & eund. R. sic interfect' abinde incontinententer asportaver' usque quendam boscum voc. &c. distan' à præd. loco circa decem per' existen. in parochia de T. in eodem Com. ac ipsum ibidem in silvestre loco roborum abscon- diderunt & projecerunt, ac guttur suum adtunc & ibidem sciderunt, contra pacem dicti domini regis, coron. & dignitat. suas. Et quam cito iidem felones feloniam & murdrum prædict. fecissent fugerunt, & prædict. A. ipsos recen- ter insecut. fuit de villa in villam usque quatuor villas propinquiores, & ulterius quousque, &c. Et si prædict. M. D. & I. B. feloniam & murdr. prædict. in forma prædict. fact. dedicer. velint, tum prædict. A. parat. est felon. & murdr. præd. versus eos probare, prout cur. hic conc. & invenit pleg. de proseq. Appell. illud, viz. I. W. & C. E. &c.

E. P. de H. in Comitatu præd. Yeoman in propria persona sua, juxta formam Statuti in Parlamento domini reg. R. nuper regis Ang. secundum post Conquest. apud Westmonasterium anno regni sui sexto tenet edit, instanter appel- lat I. B. nuper de H. in prisona, &c. de eo quod ubi I. uxor prædict' E. P. fuit in pace dei & domini Regis nunc apud H. in comitatu prædict' die, &c. anno, &c. circa horam, &c. ibi venit præd I. B. felonice, ut felo Domini Reg. nunc insidian' & insult' premedi' contra pacem ejusdem domini regis, coron' & dignitat. suas, die, anno,

anno, hora & loco præd. & præd. I. adtunc & ibidem felonice rapuit, & cum ea adtunc & ibidem carnaliter concubuit : & eadem I. eidem I. B. post raptum prædictum in forma prædicta perpetravit, scilicet, &c. die & anno, &c. de perpetracione ejusdem raptus consensit, & eum pro eodem raptu juxta debitam legis formam punire omnino recusavit. Et quam cito, &c.

Appeal de
raptu, per
prox. de
sanguine.

W. L. proximum de sanguine I. filia & hæred T. L. jam defunctus, scilicet frater præd. T. L. patris præd. I. felonice rapit, in propria persona sua instanter appellat R. P. de K. in comitatu S. Yeoman & in custodia, &c. juxta formam statuti in Parliam. dom. Rich. nuper regis Angl. secundus post conquestum, An. regni sui sexto tenent edit, de rapto præd. I. & pacis Dominus Regis nunc fract. de eo quod ubi prædict. I. fuit in pace Dei & Dominus Regis nunc apud M. in comitatu E. die, &c. anno, &c. circa horam, &c. ibi venit prædict. R. ut felo domini regis, nunc insidiandus & insultus præmediatus contra pacem dicti domini Regis, coronam & dignitatem suas, die, anno, hora & loco præd. & præd. I. felonice rapuit, contra formam statuti præd. &c. Et quam cito, &c.

I. A. in propria persona sua appellat R. L. de D. in comitatu S. Yeoman, de eo quod ubi idem I. A. fuit in pace dei & domini regis nunc apud C. in comitatu præd. die, &c. anno, &c. circa horam octavam post meridiem ejusdem diei, ibi venit prædict. R. felonius ut felo dicti domini Regis ibidem, insidiandus insultus præmediatus, & contra pacem dicti domini regis, coronam & dignitatem su-

as, die, anno, hora, villa & comit' prædictis, quada-
dam sagitta sagittavit præfat' I. A. in genu fini-
stro, per quod venæ & nervi ejusdem genu to-
tali' exsiccat' fuerunt, & sic ipsum felonice mai-
hemavit. Et quam cito, &c. Et si, &c. Idem I. hoc
parat' est versus eum probare prout cur. &c.

D. B. in propria persona sua instanter appel-
lat R. E. de amputation' linguæ ipsius D. & pa-
ce domin' regis fract. pro eo viz. quod cum per
quoddam statut' in Parliament' H. 4. nuper re-
gis Angl' anno regni sui quinto apud Westm'
ten' edit' ordinat' sit, quod malefactores qui lin-
guas hominum amputarent vel oculos eruerent
legeorum domin' Regis, hoc debit' probat' & cõ-
perit' quod tale fact' ex malitia præcogitat' fuit
perpetrat', penam felon' incurrerent, prout in sta-
tuto prædict' plenius continetur: Ac ubi præ-
dict' D. fuit in pace dei & domini Regis nunc
apud H. in comitat' præd' die & anno, &c. circa
horam, &c. ibi venit prædict' R. E. felonice, ut
felo domini regis, insidiand' & insult' præmedi-
tat' contra pacem domin' regis, coron' & digni-
tat' suas, die, anno, hora, loco, & comitat' prædict'.
& cum quodam cultello quem tenuit in manu
sua dextra linguam ipsius D. felonice amputavit.
Et quam cito, &c.

Memorand' quod die Martis, &c. I. R. nuper
de L. &c. divers' felon' coram domino rege apud
W. fecisse cognovit, petendo coron' dom' Regis
sibi pro commodo ipsius regis & regni sui assignari, & probat' dict' R. devenit. Et super hoc ego
I. W. coron' domin' regis, &c. ei assign' fuer' p cur
ad recordand' ea que dictus probator coram me
dicere seu cognoscere voluerit: & dat' fuer' dies
per

Where a
felon ap-
peals, and
calls for
the Coro-
ner.

per cur̄ eidem probatori pro diebus suis appel-
land, scil. die Lunæ, Martis & Mercur̄ tunc
prox' sequen'. Et postea, scil. die Lunæ præd'
coram me præf. coron. apud W. venit probator
sub custodē Mar̄ dom. Regis in propria persona
sua, & appellat T. C. nuper de L. & H. R. nuper
de S. &c. de eo qđ præd' T. C. simul cum ipso
probator̄ circa primum diem S. anno, &c. apud
B. in com̄ M. unam peciam argenti ad valent̄
xxx solid̄ de bonis & catallis A. B. ibidem, &c.
felonice furat̄ fuerint. Et præd. H. R. sciens ipsos
T. C. & Probatores feloniam illam sic fecisse, ip-
sos apud B. præd. quarto die tunc prox' sequen'
felon' receptavit, & peciam Argenti predict' de
ipsis emit, &c.

Idem modus observetur in aliis similibus, &c.

Alias: scilicet die Jovis proxim̄, &c. anno, &c.
apud O. I. B. nuper de H. yeoman, coram L. M. &
sociis suis Justiciarī dom̄ Regis ad pacem in comi-
tatu predict' conservand̄ assign' indictat̄ de eo
quod ipse die & anno, &c. (recitando Indicta-
ment̄) contra pacem domini Regis, coram præ-
fāt Justic' allocat̄ qualiter se vellet inde acquieta-
re, felon' predict' cognovit, & probator dom̄
Regis devenit, petendo coronatorem dom̄ Re-
gis sibi assignari: super quo ego I. W. unus
coron' dom. Regis comit̄ predict' ei assign' fui ad
audiend' & recordand' ea que ipse pro com-
modo ipsius Regis dicere aut coram me cog-
noscere vellet. Et postea, scilicet tali die, &c.
dixit coram me præfāt coron' apud E. predict'
probator, quod W. I. de L. in comitatu L. yeo-
man, ac idem probator, in Regia via inter W.
& B.

& B. ad distanc' decem milliarium de B. predict'
decim die, &c. anno, &c. in quendam I. B. in-
sultum fecer, verberaver & maletractaver, & sex
marcas sterling in pecuniis numer de bonis &
catall' ipsius I. W. tum & ibm inventis feloni-
ce ceperunt & depredati fue. Unde idem pro-
bat pref. W. I. appellat, &c.

Hoc audis, dom coronator, quod ego B.C. sim
latro unius equi, vel alter rei, vel homicida unius
nominis vel plurimorum, & felo dom Jac. Regis
Angliæ, &c. Et quia multa mala & latrocinia p-
petravi in hac terra, abjur regnum domin' Jac.
Regis Angliæ, &c. Et debeo me festinare versus
portum de tali loco quem dedisti mihi; & quod
non debeo divertere ab alta via: & si faciam,
nolo quod sim captus sicut latro & felonus do-
min' Regis. Et quod apud talem locum quæ-
dam diligenter transitum meum, & non expecta-
to ibi nisi fluxum & refluxum unum, si transit ha-
ere poter. Et nisi tanto spacio abire potero, ibo
quolibet die in mare usque ad genua mea,
emptans transire: & nisi hoc potero infra xl. dies
continuos, mittam me interim in Ecclesiam,
ut latro & felonus domin' Regis. Sic me Deus
djuvet secundum iudicium.

But it seemeth by the statute of 22 H. 8. that
this kind of Abjuration is taken away, and that
was the kings pleasure that such person
which did abjure should be abjured from all
his ability, to some Sanctuary within this
realm, there to continue during his life, and
that he should be burnt in the right hand with
this letter A. to the end he might be known to

¶

be

The Office of a Coroner.

be an abjured person; and if after he was taken abroad out of the Sanctuary, then he should undergoe such punishment as persons abjured did befoze the making of the said Statute. And if any felon refuse to abjure befoze the Coroner, he shall lose the benefit of the Sanctuary, by the Statute of 21 H. 8. cap. 2.

This hear you, Sir Coroner, that I J. M. of W. in the county of S. am a Popish Recusant, and in contempt of the Lawes and statutes of this Realme of England, I have and do refuse to come to hear Divine service there read and exercised. I do therefore, according to the intent & meaning of the statute made in the xxth. year of Queen Elizabeth late Queen of this Realme of England, abjure the land and Realms of King James, now King of England, Scotland, France and Ireland. And I shall haste me towards the Port of W. which you have given and assigned to me; and that I shall not goe out of the high-way leading thither, nor return back again: & if I do, I will that I be taken as a felon of our said Lord the King. And that at W. I will diligently seek for passage, & I will tarry there but one flood & ebb if I can have passage; & unlesse I can have it in such space, I will goe every day into the Sea up to my knees, assaying to passe over. So God me help and his holy judgement, &c.

The form
of a Certi-
ficate of an
Abjurati-
on.

Memorandum quod accidit apud E. in com. S. die Sabbat, scil. vicesimo die I. anno, &c. quidam R. nuper de P. in com L. yeoman cepit ecclesiam parochialem de P. prædictam pro immunitate tuitione sacrosanctæ Eccles. in ead habend actionem diversam

diversarum p ipsum pantea factarū, & petiit Coron' dom' Regis sibi adduci. Super quo ego I. W. unus coron' dom' Regis comitat' pred', accessi ad ipsum R. in ecclesia pred' sic existen'; & ipse coram me dict' die Sabbat' in Ecclesia predict' fatebatur & voluntarie cognovit, quod ipse 27. die Maii tunc ultimo preterito apud L. in parochia sancti S. in warda de F. unum maserum cū argentū coopertum cuiusdam I. B. in domo ipsius I. ibid' existen' ad valen' xxx. s. felonice furatus fuit, ob quam feloniam petiit à me prefat' coron' regnum Angl' abjurare. Sup quo tradito ei libro p me prefat' coronatorem, idem R. regn' pred' coram me predict' die Sabbat' in ecclesia pred' abjuravit, in idem regnum nunquam reditur' absque speciali licentia & reconciliation' regn' Angl. Et assign. est eidem R. pro transitu suo extra regnum portus Dover, & cruce in manu sua dextra posit' prout lex Angliæ est & consuetudo, &c.

Et super hoc ven' pred' G. & dic. quod ipse 14. die I. anno, &c. cepit ecclesiam sancti G. apud S. in com' pred' pro diversis felon' p ipsum preantea perpetrat' pro salvation' vitæ suæ & tuitione sacrosanctæ ecclesiæ, petitque privilegium ecclesiæ illius. Et quod I. L. & al' eidem G. ignot' ipsum adtunc & ibm' extra ecclesiam pred' violent' & contra voluntat' suā ceper' & abduxer'. Et hoc, &c. Et petit restitui, &c. Et, &c. ad felon' non cul'.

Ubi unus capt' fuit extra Sanctuar' & petit restitui.

Inquisitio Indenta' cap't apud B. in com' pred' die Martis, videlicet 21. die Decembris, anno Regina' domina' nostræ Elizabeth. Dei

An inquisition in Murther. South.

gratia Angliæ, Franciæ & Hiberniæ Regina, fidei defensor, &c. xviii. coram me I. S. gener uno Coronat' dictæ dominæ Regiæ comitat' prædict' super visum corporis cujusdam E. S. generos. ibidem mortui jacen' per sacramentum I. S. &c. Jura't triat' & onerat' ad inquirendum qualiter & quomodo predict' E. S. ad mortem suam devenit. Qui dicunt super sacramentum suum, quod I. H. de S. in Comitatu predicto yeoman, quarto die Augusti, anno regni dictæ dominæ Regiæ vicesimo, apud B. predictam in Comitatu predicto circa horam decimam ante meridiem ejusdem diei, Deum præ oculis suis non habens, sed instigatione diabolica seduct. & mot, ex malicia sua precogitata felonice, ut felo dictæ dominæ Regiæ, in & super dictum E. S. in pace Dei & dictæ dominæ Regiæ existen' adtunc & ibidem vi & armis insultum & affiniam fecit; & quod predictus I. H. cum quodam gladio, Anglice vocat' a *Sword*, valoris quinque solidorum, quem idem I. H. in manu sua dextra adtunc & ibidem tenebat, adtunc & ibidem prefatum E. S. felonice percussit, & cum gladio predicto dedit eidem E. S. adtunc & ibidem unam plagam mortalem super sinistrum genu ipsius E. totaliter abscindens quoddam os predict' genu ipsius E. Anglice vocat' the panne of the knee, longitudinis quatuor pollicum, latitudinis duorum pollicum, & profunditatis duorum pollicum; de qua quidem plaga mortali idem E. S. vicesimo die Decembris anno supradicto apud B. predictum comitatu predicto obiit. Et sic Juratores predicti super sacramentum suum predictum dicunt, quod predictus I. H. modo & forma predicta, præ-

prædictum E. S. felonice & ex malicia sua præcogitata interfecit & murtheravit, contra pacem dictæ Dominae Reginae, coronam & dignitatem suas. Ac insuper Juratores prædicti super sacramentum suum prædictum dicunt, quod prædictus I. H. tempore felonix & murtheri prædicti fact' nulla habuit bona aut catalla, terras, neque tenementa, in comitat' prædicto, ad eorum noticiam. In cujus rei Testimonium tam ego præfat' coron' quam Jura't prædict' huic Inquisition' sigilla nostra alternatim apposuimus, die, anno & loco supradict', &c.

*Per Joh. S. unum Coronat. dict.
Reginae com' prædict.*

Inquisitio Indenta't capt' apud H. in comitatu prædict' coram me I. W. generos. uno Coron' domini Regis comitat' prædict' die Martis, videlicet vicesimo die Januarii, anno regni domini nostri Jacobi, Dei gratia Angliæ, Scotiæ, Franciæ & Hibern' Regis, fidei defens. &c. viz. Angliæ, Franciæ & Hibern' tertio, & Scotiæ tricesimo nono, super visum corporis cujusdam C. B. nuper uxori P. B. de H. præd' apud H. præd' felonice interfect' adtunc & ibm' mort' jacent', per sacramentum proborum & legalium hominum de villa de H. & trium aliarum vill' propin quarum, videlicet S. N. & C. prout mos est, &c. ad inquirend' quali't & quomodo præd' C. ad mortem suam devenit, videlicet per sacramentum A. B. C. D. &c. ad numer' duodecim ad minus: qui dic' super sacramentum suum, quod ubi præd' C. die, anno, loco & comitat' prædict', circa horam secundam

South.
Murther,
al.

cundam post meridiem ejusdem diei Martis, fuit in pace Dei & dicti domini Regis apud H. præd' ibi venit quidam W. B. nuper de C. in com' W. gener' felonice, ut felo dicti dom' Regis, insidando & ex insult' præmedit', contra pac' ejusd' dom' Regis, coron' & dignitat' suas, die, anno, hora, loco & comitat' præd', in prædictam C. magistrā suā, q̄ ad tunc gravida fuit & vicina partui, insultum fecit, & eandem C. cum quadam secur̄, vocat' a hatchet, valor' quatuor denar̄, quam idem W. ad tunc & ibidem in manibus suis tenuit, super sinistram partem capitis sui felonice percussit, dans ei plagā mortal', de qua quidem plaga mortali eadē C. instanter obiit. Et sic Jur' præd' super sacrament' suum præd' dic' quod prædict' W. B. præd' C. magistrā suā ad tunc & ibim' felonice interfecit & murdravit, contra pacē dicti domini Regis, coron' & dignitat' suas, &c. In cujus rei Testimon', &c.

Inquisitio, &c. super visum corporis cujusdam I. S. ibim' mortui jacent' per sacrm̄ A. B. C. C. &c. ad numerum duodecim ad minus, Jurator' triat' & onerat' ad inquirendum quali' & quomodo prædict' I. S. ad mortem suam devenit: qui dic' super sacramentum suum, quod ita accidit apud M. in comitat' præd' die, &c. anno, &c. circa horam, &c. qd' ubi præd' I. S. fuit in pace Dei & dicti domini Regis apud M. præd' eisdē die, anno, loco & hora, ibi ven' W. L. de M. prædict', & S. T. de S. in comitatu prædicto Yeoman, ut felon' dicti Domini Regis, & ex malitiis suis præcogitat' in ipsum I. S. ad tunc & ibidem insultum fecer̄, & præd' W. L. cum quodam pugione, Anglice a Dagger, valoris quatuor denar̄, quem ipse in manu sua dextra ad tunc & ibidem tenebat,

tenebat, dict' I. S. super sinistram partem corporis sui, videlicet super asellam, percussit usque ad cor suum, dans ei plagam mortalem, unde idem I. S. instanter obiit. Et sic Juratores præd' super sacramentum suum prædict' dic', quod prædict' W. L. præfatum I. S. apud M. præd' modo & form' prædict' felonice interfecit & murdravit, contr' pacem dicti Domini regis, coron' & dignitat' suas, &c. Et ulterius Juratores præd' super sacramentum suum præd' dic', quod prædict' S. T. die, anno, loco & hora præd' fuit præsens, assistens, abettans, procurans, confortans, & manuteneus præfat' W. L. ad feloniam & murdrum præd' in forma præd' faciend' & perpetrand'. In cujus rei Testimon', &c.

Inquisitio, &c. ut præd' est: qui dic' super sacramentum suum, quod R. S. nuper de D. in Comitatu prædict' yeoman, decimo nono die Decembris, anno decimo supradict', vi & armis, videlicet gladiis, &c. in quendam T. C. apud D. prædict' in comitat' prædict' cum quodam candelabro, Anglice *with a Candlestick*, valoris duodec' denarior', quod idem R. in manu sua dextra adtunc & ibidem tenuit, eundem T. super caput suum felonice percussit, dans eidem T. adtunc & ibidem unam plagam mortal' longitudinis duorum pollicum, latitudinis unius pollicis, & profunditatis trium pollicum; posteaque, scilicet eisdem die, anno & loco, idem R. corpus ejusdem T. adtunc & ibidem ad terram prostrat' manibus genibusque suis tam dire & violenter quassavit, ita qd' prædict' T. de plaga & quassatione

South.
Man-
slaughter.

prædict' interiit. Et sic Jurator prædict' super sacramentum suum prædictum dic', quod prædict' R. prædict' T. modo & forma prædict' adtunc & ibidem felonice interfecit, contra pacem dicti Domini Regis, coron' & dignitatem suas, &c. Et ulterius Jurat. prædict' super sacramentum suum præd' dic' quod præd. R. tempore felonix præd' p ipsum ut præd' est commiss. nulla habuit bona aut catall', terr' neque tenement' in com' præd' nec alibi, ad eorum notitiam. In cujus rei Testim', &c.

South.
Roberia &
murdr.
per homi-
nem ignot.

Inquisitio, &c. qui dic' super sacramentum suum, quod vicesimo quarto die S. anno, &c. sic accidit, quod quidam homo ignotus, Deum præ oculis suis non habens, sed instigatione diabolica seductus & motus, vi & armis, videlicet gladiis, &c. inter horas septimam & octavam ejusdem diei, apud L. in comitatu prædict', via regia ibidem, in & super prædict' S. B. adtunc & ibidem in pace dei & dict' domini Regis existen' felonice, ut felo dicti domini Regis, insultum fecit, & prædict' homo ignotus cum gladio prædict' valor' quatuor denario', quem idem homo ignotus in manu sua dextra adtunc & ibidem tenebat, prædict' S. B. super pectus suum adtunc & ibidem felonice percussit, dans eidem S. B. adtunc & ibidem cum gladio prædict' unam plagam mortalem, latitudinis unius pollicis, & profunditatis sex pollicum, de qua quidem plaga mortali prædict' S. adtunc & ibidem instanter obiit. Et sic Jurat prædict' super sacramentum suum prædictum dic', quod prædict' homo ignotus præfatum S. B. modo & forma prædict' felonice interfecit & murtheravit, contra pacem dicti domini

domini Regis, coron' & dignit' suas. Et ulterius Jura' prædict' super sacramentum suum prædict' dic' quod prædict' homo ignot', postquam ipsam feloniam & murdrum prædict' scilicet in forma prædict' fecisset & perpetrasset, fugam fecit, contra pacem dicti domini Regis, &c. In cujus rei Testimon', &c.

Inquisitio, &c. qui dic' super sacramentum suum, quod prædict' H. quarto die Aprilis, anno, &c. supradicto, circa horam quartam post meridiem ejusdem diei, Deum præ oculis suis non habens, sed instigatione diabolica seduct' & motus, apud T. prædict' in quodam prato ejusdem W. vocat' **Edes Meade**, adtunc & ibidem solus existens, cum uno cingulo corii, valoris unius denarii, quod ipse adtunc & ibidem in manibus suis habuit & tenuit, & unum finem inde circa collum suum adtunc & ibidem posuit, & alterum finem inde circa ramum cujusdam arboris filicis ligavit, seipsum adtunc & ibidem cum cingulo prædict' voluntarie & felonice suspendit & suffocabat. Et sic Juratores prædict' super sacramentum suum prædict' dic', quod prædict' H. W. modo & forma prædict' voluntarie & felonice, ut felo de se, seipsum mardravit, contra pacem dicti domini Regis, coron' & dignitatem suam, &c. Et ulterius Juratores prædict' sup' sacramentum suum prædictum dic', quod prædict' H. W. tempore felonie prædict' nulla habuit bona aut catall' in cornu ad eorum notitiã. In cujus rei Testimon', &c.

Murdr.
de seipso
qui seipsum
suspensum
suspend.
Nul. terr.
forisf.

Inquisitio, &c. ut supra: qui dic' super sacramentum suum, quod prædict' A. P. tertio die

die Octobris, anno, &c. supradicto, circa horam, &c. Deum præ oculis suis non habens, sed instigatione diabolica seduct. & motus, ex malitia sua præcogitat apud S. prædict. in comitatu prædict. adtunc & ibidem sol' existens, in communi rivola ibidem seipsū voluntarie & felonice emergit. Et sic Juratores prædict. super sacramentum suum prædict. dic', quod prædictus A. P. modo & forma prædict. adtunc & ibidem voluntarie & felonice, ut felo de se, seipsum occidit & murdravit, contra pacem, &c. In cujus rei Testimon' &c.

De homi-
ne lunat.
qui seip-
sum emer-
git, non est
felonia.

Inquisitio, &c. super visum corporis cujusdam G. P. ibidem mortui jacen' per sacramentum A. B. &c. Jura't ad inquirendū qualiter & quomodo prædict. G. P. ad mortem suam devenit: qui dic' super sacramentum suum, quod prædict. G. P. quarto die Maii, anno, &c. supradict. apud H. existens adtunc & ibidem non compos mentis, seipsum in unum fontem voluntarie projecit. Et sic Jura't prædict. super sacramentum suum prædict. dic' quod prædict. G. P. ex causa prædict. nodo & forma prædict. ad mortem suam devenit. In cujus rei Testimonium, &c.

De priso-
nar. qui
moriebat'
in gaola
dom. regis.

Inquisitio, &c. super visum corporis cujusdam H. C. nuper de O. in comitatu prædict. Husbandman ibidem mortui jacent, qui ante tunc commissus fuit ill. per B. T. mil' unum Justic' pacis dicti domini Regis comitat' prædict. pro suspect. felon', per sacramentum A. B. &c. qui dic' super sacramentum suum, quod prædict. H. G. decimo die Januarii, anno, &c. supradict.

in gaola prædict. ex visitatione Dei obiit. Et sic Jura prædict. super sacramentum suum prædict. dic' quod prædict. H. G. modo & forma prædict. ad mortem suam devenit, & non aliter ad eorum notitiam. In cujus rei Testimon', &c.

Inquisitio, &c. qui dic' super sacramentum suum, quod decimo quarto die Aprilis, anno, &c. supradicto, apud C. in comitatu prædict. inter horas septimam & octavam ante meridiem ejusdem diei, cum uno falcastro, Anglice an Aze, quod idem L. H. ad tunc & ibi in manibus suis habuit & tenuit, scindebat & prostravit unam quercum ad tunc crescen' in quodam bosco vocat le Chase, ratione cujus prostracionis querc' prædict. prædict. quercus ad tunc & ibidem p infortunium cecidit sup caput prædict. L. H. dans eidem L. H. unam plagam mortalem longitudinis trium pollicum, & profunditatis unius pollicis, de qua quidem plaga mortali prædict. L. H. ad tunc & ibidem instanter obiit. Et sic jura prædict. super sacramentum suum prædictum dic' quod L. H. modo & forma prædict. per infortunium ad mortem suam devenit. Et ulterius Juratores prædict. dicunt, quod prædict. quercus est valoris octavorum solidorum, & quod jacet in bosco prædict. modo in tenura, custodia sive occupatione reverend' in Christo patris Thomæ domin' Episc. Winton. In cujus rei Testimon', &c.

Inquisitio Indenta, &c. qui dic' super sacramentum suum, quod prædict. R. W. undecimo die Octobris, &c. anno, &c. supradicto apud P. prædictum in Comitatu prædicto eundo cum carma sua à Reding in Comitatu B. usque Basingstoke

Al. per infortunium per carmam cum onere suo.

stoke in Comitatu South. predict. p viam inter
 R. & B. predict. scilicet apud P. predictum
 in Comitatu predict', carma sua predict cum
 onere suo, Anglice **his said Cart with the
 load**, cecidit sup corpus pred R. W. & ita
 quassavit corpus suum, quod de quassatione ill'
 predictus R. adtunc & ibidem instanter obiit.
 Et sic Juratores predict. sup sacramentum suu
 predictum dicunt, quod predict. R. W. modo &
 forma predict. per infortunium ad mortem suam
 devenit. Et ulterius Juratores predict. super sa-
 cramentum suum predict. dic' quod adtunc &
 ibidem tres equi & duo boves cum carma prae-
 dict. & onere suo, videlicet sex sarcinarum lana,
 Anglice **six packs oz fardels of Wool**, continen'
 in se per æstimationem viginti quatuor pond.
 Anglice **containing in them by estimation four
 and twenty tods of Wool**, moverunt ad mor-
 tem predict. R. W. & quod pred tres equi &
 duo boves sunt pretii 4 li. & 10 s. & quod pred
 carma est valoris xx s. & quod pred equi boves
 & carma remanent in custod I. W. de P. pred
 vid nup uxor. pred R. W. & quod pred sex sar-
 cinæ sunt valoris sexdecim librarum, unde dic'
 quod duo predictarum sex sarcinarum sunt va-
 loris 4 li. 13 s. 4 d. & remanent in custodia
 H. P. de B. pred Clothier, & quod al. tres sar-
 cin' predict. sex sarcinarum sunt valoris octo li-
 brarum, & rem in custod T. B. de Ramsey in
 comitatu S. predict. Clothier, & pred una alia
 sarcina, resid predictarum sex sarcinarum, est va-
 loris sexaginta sex solidorum & octo denarioꝝ, &
 rem in custod W. B. de R. pred Clothier. In
 cujus rei Testimon', &c.



The Oath of the Sberiff to the Supremacie.

I B.C. do utterly testify and declare in my conscience, that the Kings Highnesse is the onely supreme Governour of this Realm, and of all other his Highnesse Dominions and Countries, as well in all spirituall things or causes, as temporall; and that no forrein Prince, Person, Prelate, State or Potentate, hath, or ought to have, any jurisdiction, power, superiority, preheminance or authority, ecclesiasticall or spirituall, within this Realm: And therefore I do utterly renounce and forsake all forrein jurisdictions, powers, superiorities and authorities, and do promise that from henceforth I shall bear faith and true allegiance to the Kings Highnesse, his heirs and lawfull successors, and to my power shall assist and defend all jurisdictions, priviledges, preheminences and authorities granted or belonging to the Kings Highnesse, his heirs and successors, or united and annexed to the Imperiall Crown of this Realm. So help me God, and by the contents of this Book.

His



*His Oath by Statute for the due execution
of his Office.*

YOU shall swear, that well and truly ye shall serve the Kings Majesty in the Office of the Sheriff of the County of Southampton, and doe the Kings profit in all things that belongeth to you to doe by way of your Office, as far forth as you can or may: you shall truly keep the Kings rights, and all that belongeth to the Crown: you shall not assent to decrease or lessen, nay to concealment of the Kings rights, or of his Franchises: and whensoever you shall have knowledge that the Kings rights or the rights of his Crown have been concealed or withdrawn, be it in lands, rents, franchises, or suits, or any other things, ye shall doe your true power to make them to be restored to the King again; and if you may not doe it, ye shall certifie the King or some of his Councill thereof, such as you hold for certain will say it to the King: ye shall not respite the Kings debts for any gift or favour, where you may raise them without great grievance to the debtors: ye shall truly and rightfully treat the people of your Sherifwick, and doe right as well to poor as to rich, in all that belongeth to your Office: ye shall doe no wrong to any man for any gift, or other behest or promise of goods, for favour nor hate: ye shall disturb no mans right:

right : ye shall truly acquit at the Exchequer
all those of whom ye shall any thing receive of
the Kings debts : ye shall nothing take whereby
the King may lose, or whereby the right may be
letted or disturbed, and the King delayed : ye
shall truly return and truly serve all the Kings
Writs, as far forth as shall be to your cunning :
ye shall not have to be your Undersheriff any of
the Sheriffs of the last year past : ye shall take
no Bailiff into your service but such as you will
answer for : you shall make each of your Bailiffs
to take such oath as you make your self, in that
belongeth to their occupation : you shall receive
no Writ by you nor any of yours unsealed, or
any sealed under the seal of any Justice, saving
the Justice in Eyre, or Justice assigned in the
same Shire where ye be Sheriff, or other Justi-
ces having power and authority to make any
writs unto you by the Law of the land, or of the
Justices of Newgate : you shall make your
Bailiffs of true and sufficient men in the Coun-
ty : also ye shall do all your power and dili-
gence to destroy and make to cease all manner
of heresies and errours, commonly called Lol-
laries, within your Bailiwick, from time to time,
to all your power, and assist and be helping to all
the Ordinaries and Commissaries of the whole
Church, and favour and maintain them as often
as you shall be required by the Ordinaries Com-
missaries : ye shall be dwelling in your own
proper person within your Bailiwick for the
time ye shall be in the same office, except ye be
otherwise licensed by the King : ye shall not let
your Sheriffwick nor any Bailiwick thereof to
any

any man : ye shall truly set and return reason and due issues of them that be within your Bailiwick after their estate and behaviour, and make your pannels your self of such persons as be most next, most sufficient, and not suspect, nor procured, as it is provided by the statutes. And over this, in eschewing and restraint of man-slaughters, robberies, and other manifold grievous offences that be done daily, namely by such as name themselves Souldiers, and by other vagrants, the which increase in number, and multiply so, that the Kings subjects may not surely ride, nor goe to doe such things as they have to doe, to their intolerable hurt and hinderance, ye shall truly and effectually, with all diligence possible to your power, execute the statutes, as the statutes of Winchester, and for Vagabonds. All these things ye shall truly observe and keep, as God you help, and by the contents of this Book.

OF



OF THE
AUTHORITY
 OF A
SHERIFFE,

and how and in what manner he
 ought to execute his Office in
 all things that are in use.

The Second Book.

First of all, when he is appointed to be
 Sheriffe, he is then Custos Comitatus, and
 his power and authority is very great,
 as hereafter I will set forth and declare at
 large. And at the entrance into his office, the
 first thing that he must doe is, to goe into the
 Exchequer, into the Kings Remembrancers
 Office there, and to enter into Recognisance
 there with Sureties, or some for him, for the
 payment of his proffers, at or before mens'
 Michael. then next following.

¶

That

That done, his Attourney there will write him a note, thereby signifying that he is Sheriff of such a County, and that he hath entered Recognisance for his proffers; the which note the Sheriffe must deliver to one of the Clerks in the Chancery, for his warrant to make the Sheriffs patent by, with his writ of assistance, and a writ of discharge to be delivered to his predecessor, to discharge him out of his Office; the which would be delivered with all speed, for his own benefit or his Under-sheriffs: for untill it be delivered to his predecessor, the precedent Under-sheriffe may do execution of process. And this being done then, if he be so well provided, he may take his Under-sheriffe with him, and goe either to the Master of the Chancery, or to one of the Judges of the Assises of that Shire whereof he is Sheriffe, and take their oaths for the due execution of the said office: or else he must have a Dedim' potestat' out of the Chancery, from the Clerk which made his patent, directed to two Justices of Peace of the same County, whereof one must be of the Quorum, to give him his oath in the Country: but his Under-sheriff may be sworn by two Justices of Peace, whereof one must be of the Quorum, without Commission: and untill they be thus sworn, they may not entremeddle with the execution of any process by the Law.

A Sheriff, at or before his first County court, must take over from the old Sheriff his predecessor all his prisoners and writs precisely by view and by Indenture to be made

between them, wherein all the causes which
he hath against every prisoner (at the perill of
the old Sheriffe) must be set forth and decla-
red; or else the new Sheriffe needs not to take
any notice of any thing that is omitted & left
out of the Indenture; for he is not chargeable
with it, but the old Sheriffe, as it appeareth
of late in a Case adjudged in my L. Cokes 3.
Book of Reports, Wesbies case, fol. 72. against
the Sheriffs of London: for although they set
him over by Indenture, yet they set not over
all the causes which they had against him, but
omitted an execution, which after was reco-
vered against the old Sheriffs by the plaintiffe,
and Wesby was at liberty, and the Sheriffs
were sans remedy.

All the Writs which are set over in the in-
denture between the Sheriffs, if they have been
executed by the old Sheriffe, then they must be
returned by him, and indorsed under by the new
Sheriffe thus; *I send bre prout indorsat' mihi
deliberat' fuit p R. W. milit' nuper vic' prox.
tradecest. meum in exit' ab officio suo.*

H. C. Mil' vic'

And a Sheriffe at the first County-court
which shall happen to be after his election, &
discharge of the old Sheriffe, must read his
patent and his writ of assistance, and nominate
his Under-Sheriffe, the County Clerk, and four
Deputies of Replebings at the least, for the
use of the County, who ought to dwell 12
miles one from another, in every quarter of
the County one, to grant Replebings when need
shall require.

South.

Primus Com̄ F. P. mil' vic' Com̄ præd, and
so next Secund Com̄ the next County-court,
tenē apud Castr̄ Winton' tali die & anno, set-
ting the Kings stile at large.

Then the bailiffe must make an D-yes, & say
thus, *Essoins* and proffers (befoze the Court
thre times) pur cest jour. And then say, If
any man will be essoined oz enter any plaints,
let them come in, and they shall be heard.

Essoins.

A. B. *Essoin'* est quia ægrotat, vel similia.

A. B. querit' versus C. D. de placit' debit' &
injust' detent' averior suor, oz de placit' debit'
detent', transgress. vel similia, as the case is.

This Court ought to be kept every mone
upon a day certain of necessity, by reason of the
Kings writs of *Exigents* which must be read
there.

And the actions must be called there as they
are in a Hundred-court oz Court-Baron: and
it will not hold plea where the debt oz Dam-
mage is xl. s. unlesse it be by writ of *Justicies*
out of the Chancery, which is a Commission
to the Sheriffe to hold plea of any summe
whatsoever; and yet it is but in the nature of
a *Distringas*, to distrain a man by his goods to
answer there to the plaintiffs action, for his
body cannot be touched with it by law, nor his
lands.

And the like entries, plaints, answers,
barrs & issues are to be put in there as are used
in a Hundred-court, oz a Court-Baron; for
this Court is but a Court-Baron. And al-
though it be the Sheriffs court, yet the Free-
holders of the County are the Judges there in

all actions; and the Kings Cozoners of the County are only Judges to give Judgement upon the Kings writs of Exigents, and none else. And if they be fræholders, as they ought by the law to be, they are also Judges of their actions: if they be not, they may be removed from their places for lack of Fræhold, it is a sufficient exception in law to be taken against them in that case.

And the like process or precepts as are made out of a Hundred-court, mutatis mutandis, are to be made out of this Court, viz. summons, attachment, and distresse infinite.

Election of Knights for the Parliament, and of Cozoners & Verderers, are always made by the Kings writ in open County-court, and the day & times when & by whom, viz. by the Fræholders of the County; & the Knights are to be chosen between 8 and 9 of the clock in the forenoon, sedente cur. And the names of such Fræholders as are at the election of Cozoners and Verderers ought to be set down in the County-court-book, for to testify such election: & the Sheriffe is to minister unto the Cozoners & the Verderers their severall oaths for the due execution of their office.

A Replevin.

Fr. P. miles, vic' Com̃ præd, ballivo Hundr de South,
H. necnon Io. S. ballivo meo hac vice, & eorum
utriusque conjunct & divisim, salutem. Quia W.
P. invenit mihi sufficient. securitat. tam de Claim
suo proseguendo, quam de averiis suis, videlicet,

uno spadone, tribus equis, &c. quæ I. C. cepit
& injuste detin' ut dicitur, retorn, si retorn inde
adjudicatur, id ex parte dom' Regis vobis &
utrūq; vestrum conjunct & divisim mado, qd' re-
pleg' & deliberā fac' seu unus vestrum replegiar
& deliberā fac' præf. W. P. aver' sua præd. Et
qd' ponat', seu, &c. per vad. & salvos pleg. præfat.
I. C. ita qd' sit ad prox' Com' meū apud Castl'
Winton' tenendā, ad respondēdā præfat' W. P. de
placi' capt' & injuste detēt. aver' suor' præd. Et
qualit', &c. mihi ad prox' com' meū certificet,
seu, &c. sub periculo incubent. Dat' sub sigill'
officii mei ultim' die Decembris an. reg. dō. nost'
Jac. dei grac' Angl', Scotiæ, Frāc' & Hibern
Regis, fidei defēsor, &c. viz. Angl' Franc' & Hi-
bern' xiiii. & Scotiæ quinquagesimo.

Per me Ric. W. milit' vic'.

And if this Replevin be granted by a Depu-
ty to the Sheriffe, then he must set his name
to the Replevin thus,

*Per me I. W. unum deput' dicti vic'
secund' form' Stat.*

And if the first Replevin be not executed,
then the Sheriffe or his Deputy may grant an
alias Replevin, and so a pluri Replevin, vel cau-
sam mihi significes, and after toties quoties it
need be. And upon all these Replevins, there
must be a bond of x. li. at the least taken of him
to whom the Replevin is granted, for his
appearance at the next Court after, and pro-
secution of his suit with effect against the
taker of the cattell, and to make return
thereof,

thereof, if return be adjudged. The form
of which bond and condition thereof must be
thus.

Noverint universi per presentē me Will' P. Obligati-
de C. in com South. gener' teneri & firmit' on.
oblig. F. P. mil' vic' com pra d' in decem libr
bona & legal' moneat Angl' solvend' eidem vic'
aut suo cert' Attorn' execut' vel assign' suis. Ad
quam quidem solut' bene & fidelit' faciend' oblig'
me, hær exec' & administ' meos, firmit' per præ-
sent. Sigillo meo figillat'. Dat, &c. As all o-
ther bonds are.

The condition of this present Obligation is Conditio-
on.
Such, that if the above-bounden W. P. do ap-
pear at the next County-court to be holden at
the Castle of Winchester, and then and there
do prosecute his action with effect against I. C.
for the wrongfull taking and detaining of his
cattell, videlicet, of one gelding and thzee hoz-
ses, as it is alledged, and do also make re-
turn thereof, if return thereof shall be adjudged
by Law, and also do save and keep harmlesse
and indemnified the above-named Sheriffe, his
Undersheriffe, and Balliffs, for, touching and
concerning the delibery of the said cattel; that
then this present Obligation to be void and of
none effect, or else the same to stand, remain
and continue in force, strength and vertue.

And if in this case the taker of the cattell
justifie the taking as in his freehold, then this
Court can proceed no further therein, but the
cause must be removed from thence by the
Kings writ out of the Chancery, called a Re-
cordar' fac' loquelam, directed to the Sheriffe,

retognable the next term following, either in the Kings bench, or in the Kings Majesties Court of Common Pleas, which the party will, for they are both Common Law; but they are more properly belonging to the court of Common Pleas: and this writt ought to be openly read and allowed in the said Court, to the end that notice may be given thereof to the plaintiff in the Replevin, that he may appear at the day of the return thereof, and declare against the taker of his cattell; or else the taker will have a Return^r hēd aver, and so put him to sue forth the second Deliberance, which is a disadvantage to the plaintiff, for he shall then have no more second Deliberance, otherwise he might have another. And let the Attorney for the plaintiffe see well to the sealing of the writt of second Deliberance with Return^r hēd averior, or else it will fall out to be manifest error, and overthwart to the cause, be it never so just, when it is an exec^r, because the writt of R. D. is an originall writt, but the def. therein shall have no cost. It was the case of Nic. M. Gent. against Tho. Newman in a Replevin for an annuitie adjudged in the Kings Bench Term. Trin^r ann. xv. I. R.

Now next, the high Sheriff will look for his security from his Undersheriffe before he will trust him with his office, because he will sleep quietly, and take his repose in safety: & for that commonly he hath bonds and covenants of the Undersheriffe and his friends. That men make not void all these bonds and covenants taken of their Undersheriffs, let them

them look to the Stat. 5 E. 6. c. 16. And that
 gentlemens Clerks may sufficiently know how
 to execute the office of an Undersheriff, I have
 taken occasion to set forth this book of directi-
 ons, sufficiently to teach and instruct any Clerk
 that is willing to undergoe the burthen of this
 office for his master, rather then a Gentleman
 of worth shall for a little money hazard his
 oath or his credit in his country: for by this
 means he had better (in discharge of his duty
 both to God & his Prince in the execution of
 his office) keep his office in his house, so that
 he may take a continuall surbey of it himself,
 then trust a stranger upon bonds and covenants
 with the whole execution of his office, which
 by the Statute of 23 Hen. 6. ca. 10. are thought
 by many opinions to be hold or holdable: for
 the words of the Statute are these, That no
 Sheriff, nor none of his officers or ministers,
 shall take or make any Obligation for any
 cause mentioned in the Statute, by colour of
 their office, but only to themselves, of any per-
 son or by any person which shall be in their
 ward, by course of the Law, but in the name
 of their office, and upon condition written,
 That the said prisoners shall appear at the day
 contained in their writs, bill or warrant, and
 in such places as the said writs, bills or war-
 rants shall require. And if any Sheriff or any
 of his officers take any Obligation in any o-
 ther form, by colour of their office, that it shall
 be void. And in this course there can be no
 losse to the Sheriff, if his Undersheriff be
 carefull to follow the directions here laid be-
 fore

foze him: for he shall both hereby get good knowledge & experience, & some profit, and his master may give him good allowance, and yet save sufficient out of the honest gains of the office, to passe his accounts, and to defray part of his other charge, and have his countrymen well dealt withall, and gently intreated according to his oath; whereas now, as the office is used otherwise by Undersheriffs which buy their offices, they pay for it, or else the Undersheriffe must goe away a begger.

The form of an Indenture for setting over of prisoners and writs between two Sheriffs.

This Indenture made, &c. between J. K. Esquire, late Sheriff of the County of South. of the one party, and Sir H. W. Knight, now Sheriffe of the said County, on the other party, witnesseth, That the said J. K. by vertue of his Majesties writ of discharge of his late office to him directed, hath delibered and set over unto the said Sir H. W. these writs following, viz. a Capias versus W. F. re-torn' Oct' Hill' ad sect' Andr' Limboni, &c.

Together with the bodie of J. S. in execution at the Suit of G. H. for a debt of 22 li. & J. H. at the suit of C. D. in execution for 1. li. &c. In witness whereof, &c.

The form of an Indenture between the high Sheriff and his Under-sheriff.

This Indenture made, &c. between J. H. of D. in the County of S. Esquire, on the one party, & H. K. of G. in the said County, Gent. of the other party, witnesseth, That whereas the said J. H. being by the Kings most excellent Maiesty appointed to be high Sheriff of the said County of S. for this year to come, hath upon speciall affiance, confidence and trust, that he hath and beareth in and towards the said H. K. promised and granted to the said H. K. the use of the exercising of the office of his Undersheriff of the said County, together with all fees, fines, forfeitures of bonds, profits, commodities, advantages, casualties, allowances, liberties, franchises, courts, tozns, Leets, perquisites of courts, and other emoluments certain and uncertain whatsoever, to the office of Sheriffwick or Undersheriffwick belonging or in any wise appertaining, that any Sheriff or Undersheriff of the said County hath heretofore justly and lawfully claimed or had, to have and enjoy during and by all such time as he the said J. H. shall be, remain and continue high Sheriffe of the said County, of this appointment or election not discharged. In consideration whereof the said H. K. covenanteth, granteth and agreeth, and faithfully promiseth for him, his heirs, executors and administrators, that he the said H. K. his heirs, executors or administrators, shall
and

and will discharge, or otherwise sufficiently save and keep harmlesse, as well the said J. H. his heirs, executors or administrators, as also his and their and every of their goods, chattels, lands, tenements, and hereditaments, of and from all and all manner of troubles, vexations, suits, actions, informations, complaints, contempts, fines, forfeitures, amerciaments, penalties, pains, sum and sums of money, payable or leivable to or for the Kings Majesty, or any other person or persons whatsoever, for any matter or thing to be done in or about the said office, and of and from all losses, hindrances and damages, that shall or may be lawfully moved, stirred, procured, commenced, prohibited, prosecuted, happen or fall, or lawfully asked, demanded, or levied upon the said J. H. his heirs, executors, or administrators, or of or upon his or their or any of their goods, chattels, lands, tenements or hereditaments, for or by reason of the said office of Sheriff, either by non-suing, or unlawfull returning, slow returning, or misreturning, of any precepts, writs, warrants or process, to the high Sheriffe directed, or to be directed, or for, by cause or means of any excessive or unlawfull extortion or exaction, or taking of any money, or other gain or commodity, for the serving or not serving of any such writs, warrants, precepts, or process, or for or by reason of any misdemeanor, misusing, or misgovernment, negligence, lack of skill, or of ignorance that shall be in the said J. H. in or about the doing, exercising, or executing of the said office of Underthe-

And the said H. R. for himself, his heirs, executors & administrators, by these presents doth covenant and grant to and with the said A. H. his heirs, executors and administrators, in like manner to discharge, or otherwise to save harmless and indemnified, as well the said A. H. his heirs, executors and administrators, as also all their goods & chattels, lands, tenements and hereditaments, of and from all manner of escapes, both wilfull and negligent, of traitors, felons, and all other prisoners committed, or to be committed, to his or their safe keeping or charge, in breach of prisons, and of and from all fines, forfeitures, amerciaments, sums of money, and penalties, that he or they or any of them shall or may incur, bear, pay, or sustain, for any escape or breach of prison during all the time of his continuance in the said office of high Sheriff of this appointment. And moreover the said H. R. shall give attendance convenient & requisite upon the Kings courts at Westminster, upon the Judges of Assise and Justices of the Peace, and other Commissioners and officers, within the said County, upon whom the said A. H. or the said H. R. in respect of the said office of Sherifftwick ought by the laws of this Realm to attend. And furthermore, shall within one year next after the discharge of the said A. H. from his said office justly and truly make a perfect account, in the Kings Exchequer or elsewhere, of all the sums of money, receipts, and other things wherewith the said A. H. shall or may be charged as Sheriff

Sheriff of the said County of S. & shall within the said time deliver unto the said J. H. his heirs, &c. a sufficient acquittance or quietus est. And it is further agreed upon by the said parties to these presents, that every one of the Bailiffs of Hundreds, and all other the officers under the Sheriff, shall enter into sufficient band by obligation, that they and every of them shall truly and diligently deal in, exercise, and execute their offices during the time aforesaid: and if any one shall refuse to enter band or misdemeanor himself, that then it shall be lawfull to and for the said J. H. in his discretion to place another meet for that office in the room of such person that shall refuse or misdemeanor himself as is aforesaid. In witness whereof, &c.

The bands are commonly taken of the Undersheriff and his sureties for the performance of these covenants, and they are ordinary, as all other bands are for performance of covenants, and therefore here needs no precedent for them.

A condition for a Gaoler to enter in to the Sheriff for the safe keeping of his prisoners.

The Condition, &c. That whereas the above-named S. H. M. hath at the speciall instance and request of the above-bounded M. M. constituted and appointed the said M. M. to be his keeper of all such prisoners as shall be arrested or attached by any manner of writ, warrant or precept, made, or to be made, by
or

or in the name of the said S. H. M. or by or
in the name of J. M. his Underheriff: If
therefore the said M. M. his deputy or depu-
ties, assignee or assignees, or any of them, shall
and do well and safely keep all such prisoners
as shall be committed to him or them, or any
of them, and therein shall save and keep harm-
lesse and indemnified the said Sheriff, his
heirs, executors and administrators, at all
and every time and times hereafter, of and
from all and all manner of escapes of all man-
ner of prisoners that shall be committed to the
custody and safe-keeping of the said M. M. or
left under the custody or charge of any of his
deputies or assigns, and of and from all and
all manner of judgements, executions, fines,
charges, troubles, and incumbrances what-
soever, which shall or may hereafter grow or
happen to be taxed, imposed, estreated, or le-
vied upon, of or against the said Sheriff, as
Sheriff of the County aforesaid, for or by rea-
son of any such escape, or escapes, as afoze-
said; And also if the said M. M. his deputy
or assignee, shall not discharge or set at liberty
out of his or their custody and safe-keeping any
prisoner or prisoners, which now are, or that
hereafter shall or may be, by the said Sheriff,
or by his Underheriff or Deputy, or by any of
their Bailiffs, taken, committed, delivered,
or left in the custody of the said M. M. his de-
puty or servant, without the special warrant
in writing under the hand and seal of the officer
of the said Sheriff in that behalf first had and
obtained: That then, &c.

The Office of a Sheriff.

A Condition for a Bailiff to enter into
to the Sheriff.

The Condition, &c. That whereas the above-named S. B. T. at the speciall instance & earnest intreaty of the above-bounden J. B. hath authorized & appointed the said J. B. to be one of his Bailiffs within the County of S. abovesaid, and in more particular hath committed to his charge the Bailiwick of the Hundred of M. and B. If therefore the said J. B. and all such persons, &c. for and about the executing of such things as shall be given him in charge to doe and execute as Bailiff of the Hundred, do justly, &c. execute his said office according to the effect and intents of such warrants and precepts as shall be directed unto him, and come to his hands, from the above-named Sheriff, or from his Undersheriff, to be executed; and shall and doe, upon the view of every warrant upon mean process from the said Sheriff, take sufficient band with two sureties for the appearance of the def. arrested, according to the Statute in that case made and provided; and shall safely convey or deliver every such band uncanceled unto the said Sheriff, or his Undersheriff, before such time as the process whereupon the said warrant is made is returnable; and also shall at all times, and from time to time, during the continuance of the said Sheriff in Office of Sheriffe of the said County, be ready and attendant both upon the said Sheriff, and upon his Undersheriff, as well at every Assise and Sessions, as also at every County-

County-court to be holden, &c. then and there to execute his said office as appertaineth; and also shall well and truly pay, or cause to be payed, to the said Sheriff or his Under-sheriff, at the feasts of Easter and S. Mich. the Archangel now next coming after the date abovescriitten, all and every such summe and summes of money as have been accustomed yearly to be payed to the Sheriffe of the said County for the Kings Majestie out of the said Hundreds, upon the account of every Bailiffe of the said Hundreds, commonly called Sheriffs-turn-money; and do in like manner befoze the said feast of S. Mich. collect and gather of the inhabitants within the said Hundreds all summes of money due to his Majestie upon the summons and scedule of the Green wax, a sufficient warrant being in convenient time delibered unto him to that end and purpose, and do accordingly pay the same to the said Sheriff, or to his Under-sheriffe, within one month next after he hath gathered and collected the same, without cobin or further delay: That then, &c.

A Sheriffe is to make Warrants upon mean pzocesss, or execute them himself, but it is not possible for him to doe execution of all: and they must be made according to the severall natures of his writs, which for the substance will direct him, but not for the form thereof, & that both differ in many Counties, but all to one effect; as in the County of Southampton thus:

H

A

The Office of a Sheriff.

A generall Warrant.

Sr. F. P. Miles, Vicecom̃ com̃ prædict', ballivo hundredi de Houlshot salut. Ex parte dom̃ Regis tibi mando, quod capias A. B. si, &c. & eum salvo, &c. ita quod habeam corpus ejus coram Justic' dom. Regis apud Westmon. in Oct. sanct. Hillarii, ad respondend' C. D. de placito debit', or *Trespasse, according to the Writ.* Et hoc, &c. Dat sub sigillo officii mei xx. die Decembris, anno regni dom̃ reg. nunc Angl' &c. xiiii.

Per F. P. Mil. Vic.

A speciall Warrant.

Sr. F. P. Miles, Vic. com̃ præd', ballivo hundredi de H. necnon I. W. & T. B. ballivis meis hac vic. & eorū cuilibet, salut. Ex parte domin. Regis vobis & cujuslibet vrm̃ conjunct. & divisim mando, quod capiatis, seu, &c. A. B. si, &c. & eum salvo, &c. ita q̃ hēam corpus ejus coram dom̃ rege apud West. die Jovis prox. post Oct. S. Hill. ad respond' C. D. de placit' trans. &c. Dat, &c. ut supra.

xx. die Decembris, anno Dom̃ 1638.

By vertue of the Kings Majesties Writ to me directed, Ret coram domino Rege apud Westm̃ die Jovis prox. post quinden. Sancti Hill. or if it be out of the Court of Common pleas then, Ret coram Justiciari' domin. Regis apud Westm̃ in Oct. Sanct. Hillarii, you shall arrest A. B. if he may be found withln my Ballivewick, to answer to C. D. in a plea of trespasse, or in a plea of debt, according to the writ

Writ. Dat sub sigillo officii mei die & anno supradict. &c.

Per I. P. Mil' Vic'.

To J. P. and R. S. my Spectall Batliffs in this behalf, joyntly and severally, greeting.

And in Wozk they use to make their Warrants thus, upon their mean process.

St. Georgius S. Miles & Baronett, Vicec' Com' pradt, omnibus ballivis meis, vel omnibus ballivis infra com' pradt tam infra libert' quam extra, necnon I. B. & C. D. ballivis meis hac vic. tant' itiner', salut'. Ex pte dom' reg. vobis & cuilibet vrm conjunct. & divisim mando, q' capiat, seu, &c. A. B. si, &c. & eum salvo, &c. ita q' habeam corpus ejus coram dom' rege, if the Writ come out of the Kings Bench, apud West. die Jovis prox. post quinden. sanct. Hill', but if the Writ come out of the court of Common pleas, when it is, coram Justic. dom' reg. apud West. in Oct. sanct. Hillar, ad respond' C. D. de placito transgr' oz debi' according to the writ. Dat sub sigill. officii mei tal. die & anno, ut supra.

And this seems to be the best form of warrants to have them serbed. And there they use to make warrants upon all their executions in this form, saving only there is added these words before the teste of the Warrant, proviso semper, q' hoc præsens warrant exequend' est ad periculum querētis tant'; and thereupon the pl. will not onely pay down the fee for the execution, as much as the Statute allowes, but also

gibe bond without condition, for the saving of the Sheriff harmlesse of the escape, if any should happen to be; onely they will set down under the bond the cause wherefore the bond is taken; and the bond is taken to a stranger, and yet never questioned: which makes execution to be the better done, or else the Country is so spacious, the Sheriff would not be able to do a quarter of his work. And I see no reason but it may be used in any other Country as well as there, and it will make the Sheriffs work much the easier to be done, and all things considered the more for his profit.

Also they use there to make Warrants upon Capias utlagat in the like form, and to take bond with condition to bring the defendant to prison, if he be arrested, which makes good execution of those Process. And it were good this were used in all countries, then there would not be so much extortion and indirect dealing used by Undersheriffs and Bailiffs to the Kings subjects as there is. For if they take any man upon a Capias utlagatum, they will not onely take money of the plaintiff for to take the defendant, but when they have taken him, for money they will let him goe again; and they will alledge for a colour, it is to reverse the outlawry, which they have nothing to doe withall. He ought to be brought to prison, and there remain untill one Attorney or other have reversed the outlawry for him, and not the Sheriff: for although he be an Attorney, he ought not when he is Sheriff to practise as

The Office of a Sheriff.

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an Attorney. But yet notwithstanding they do fozeftall the market, against the law, and the high Sherriffs oath, and it is pity that it is suffered to goe unpunished.

The form of a Bond for Appearance.

NOverint universi per præsenti nos A. B. de C. in com South. gener, E. F. de G. in com præd yeom. & H. T. de R. in comit. præd yeoman, teneri & firmit oblig' F. P. mil' vic' præd in quadragint libr bonæ & legal' monet Angl' solvend' eidem vic' aut suo cert At- torn', execut vel assign' suis: ad quam quidem solut bene & fidelit facient oblig' nos & quemlibet nostr per se pro tot' & in solid, hæc, exec' & administ' nost. & utriusque firm firm t per præsenti Sigillis nris figilla. Dat 20. die Decemb. anno regni dom nostr Jacob. Dei gratia Angl', Scot', Franc' & Hibern' reg. fidei defens. &c. viz. Angl', Franc' & Hibern' 14. & Scot' quinquagesim, annoque dom 1616.

The Condition of this present Obligation is such, that if the abobe-bounden A. B. do appear coram domin. Rege apud Westmon. die Jovis prox. post quinden. Sanct Hill, if the writ be out of the Kings Bench, according to the return of the writ, but if the writ be returned in the Court of Com. pleas, then the words in the Condition must be for the defendant to appear corā Justic. domin. Regis apud West. in Oct sanct Hill. or such other return, according to the writ, to answer to C. D. in a plea

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of trespassse or debt, as it is in the writ ; That then this present Obligation to be void, and of none effect, or else the same to stand, remain, and continue in force, strength and verue.

Sealed and delibered to the use of the abovenamed Sheriff, in the presence of A. R. and T. S. Two witnesses at the least.

A Sheriff before he return any Writ into the Chancery, the Kings Bench, the Court of Common pleas, and the Exchequer, ought to have an Attorney or Deputy in every one of those Courts of record, to answer for him by warrant of attorney. And if any Sheriff doe contrary to this ordinance in any point, he forfeits xl. li. every time, and treble damages to the party grieved ; one moiety thereof to the King, & the other moiety to him that will sue, by a Statute-law made anno 23 H. 6. cap. 10.

You shall find in this book good returns for all manner of writs now in use, here set down to your view, whensoever you shall have occasion to use them ; and also apt returns of all your Exchequer process, with apt and due forms of all sorts of inquisitions to be returned there, or elsewhere, with your process. And as for the Court of Wards and Liberties, from thence you have but 3 sorts of process to be answered unto, viz. Extents, Attachments, and Liberties upon old Extents not discharged, which must be paid half-yearly, with ii. s. for the fee of every sum till the debt be paid : and

this

this last will trouble you most, and the other are easier to be returned then executed.

Sheriffs and Undersheriffs ought to receive all manner of writs in any place within the County, without taking of any thing, and make thereof warrant: and if he refuse to do it, if he make not a return of those writs, he shall be punished, and render damages to the party grieved, by the Statute of 2 Ed. 3. cap. 5.

Also a Sheriff may arrest men which goe or ride armed, and commit them to prison, there to remain at the Kings pleasure, by the same Statute. Also Sheriffs and Gaolers must receive thieves indicted or taken with the manner, without taking any thing for their receipt, by the Statute of 4 E. 3. cap. 16.

Sheriffs must return sufficient and reasonable issues upon such persons as have lands and goods sufficient: according to the Statute of West. 2. cap. 39. & 1 E. 3. cap. 5.

Sheriffs ex officio may arrest within their County suspected persons which walk by night or day, and which are of evil name and fame, by the Statute of 5 E. 5. cap. 14.

A Sheriff ought to have but one Bailiff errant within his County, by the Statute of 14 E. 3. cap. 8.

Sheriffs ought to keep their Tourns twice every year, viz. one within a moneth after Easter, and the other within a moneth after the feast of S. Michael the Archangell, by the Stat. of 31 E. 3. cap. 14.

Sheriffs must levy their issues and amerciaments by their extracts under the seal of the

Exchequer; otherwise they shall render to the party dampnified treble damages, and also make fine to the King for their offence, which is determinable before the Justices at their sessions, by the Stat. of 43 E. 3. cap. 9.

Sheriffs ought to return their pannels for the Sessions 4 days before the Sessions at the least, upon pain of xx. li. and the Bailiffs of liberties ought to make return of their Warrants six days before the Sessions at the least, upon the like pain, by the Statute of 41 E. 3. cap. 11.

Sheriffs ought four times in the year to proclaim the statute of Winchester in every Hundred of their Bailiwick, for it is parcell of their oath; yet they never doe it.

Sheriffs ought to take the Swords, Daggers, and weapons, from servants, labourers, and from servants of artificers and victuallers, if they find them bearing of any, except it be in time of war, or when they travell abroad into the Country with their masters, or goe on their messages; and they may keep such weapons untill the next Sessions, and there present them, with the names of those that boze them, by the Stat. of 12 R. 2. cap. 9.

Sheriffs may ex officio apprehend labourers & servants begging and wandring abroad, and commit them to prison without bail or mainprize: but they can take no fees of such persons, neither upon receipt or delivery of them, upon pain of a C. s. to the King, by the Statute of 12 R. 2. cap. 9.

Sheriffs and other of the Kings Officers,

wh

when they have notice of unlawfull Assemblies and Riots, ought to raise the County, and with all their power to apprehend such malefactors, and commit them to prison, there to remain untill due execution of the Law be done upon them: and all Lords of Signiories, & all other the Kings liege people, ought to be attendant to the Sheriff and other officers with all their power and force herein, by the Stat. of 17 R. 2. cap. 8.

A Sheriff ought to dwell within the County in his person during the time of his Sheriffwick, and he ought not to let his Office to farm, both by his oath, and by the Statute of 4 H. 4. cap. 5.

A Sheriff ought to foresee and provide, that neither his Undersheriff, nor any of his Clerks, bailiffs, or receivers, be an Attorney in any of the Kings Courts, during the time of his Sheribalty, both by his oath, and also by the Stat. of 1 H. 5. cap. 4.

Every Sheriff ought to proclaim the Statute of Purveyors four times in his year, upon pain of a hundred shillings for every time failing therein, and he ought also to deliver that to his successor to proclaim upon the like pain, by the Stat. of 1 H. 6. cap. 2. But this is never done.

Sheriffs ought to make due election of Knights for the Parliament by the Freeholders of the County, and that in open County-Court, and between 8. and 11. of the clock in the forenoon of the same day, by the Statute of 6 H. 6. cap. 6. upon pain of a C. li. and a years

years imprisonment without bail or main-
prize.

Sheriffs ought to return upon every precept directed unto them from Justices of Peace to inquire of forcible entries, upon every Jury twenty shillings issues at the first day; and Justices of Peace have power and authority to hear and determine those defaults by Bill or indictment; and Sheriffs shall forfeit for every default twenty pounds, whereof he that will sue shall have the moiety, by the Stat. of 8 H. 6. cap. 9.

And Sheriffs ought to return in Writs of Attaints, in plea of Land of the yearly value of forty shillings, or in actions for Deeds concerning lands to such value, and in actions of forty pounds or more, such persons inhabiting within their Bailiwick which can dispend xx. li. per annum besides all charges, for term of life at the least, and out of ancient demesne, Gavelkind, & Cinqueports; and upon the first distress xl. s. and upon the second C. s. and after double issues upon the Jurores, upon pain of x. li. to the King, and x. li. to the party grieved. And if there be not sufficient persons inhabiting within the County, which can expend xx. li. per annum, then they shall impannell other persons of the most sufficient in possession of yearly value of lands under the value of xx. li. per ann^y, upon pain of x. li. to the King, and x. li. to the plaintife, by the Statute of 15 H. 6. cap. 5.

A Sheriffe may not occupy h^s office above a year; and if he doe, he shall forfeit two hundred pound, and be disabled ever to be Sheriff

riff of any County after, by the Statute of 23 H. 6. cap. 8.

No Sheriff ought to let to farm his County, nor any of his Bailiwicks, or Hundreds, or Mapentakes; for it is both against his oath, and contrary to the Statute of 23 H. 6. cap. 10.

No Sheriff, Bailiffe of Liberty, nor any other Officer, shall return in any Pannell or Jury any of his Bailiffs, Officers, or Servants to any of his Officers, by the Statute of 23 H. 6.

No Sheriffe, nor any to his use, shall take any thing of any person to be arrested or attached, nor for sparing of any arrest or attachment, for Fine, Fee, Suit of prison, Mainprise, letting to Bail, or for shewing any ease or favour to any such person so arrested, but onely for the Sheriff twenty pence, the Bailiff which maketh the arrest four pence, and the Gaoler (if the prisoner be committed to prison) four pence, by the Statute of 23 H. 6. cap. 10.

And a Sheriffe ought to take but four pence Forfeiture for the Copy of a pannell, & two shillings for x. li. return of a pannell, by the Statute of 27 El. ca. 12.

Sheriffs ought to let to bail all persons being in their keeping, by force of any Letter, Will, or Warrant, in any personall action, or upon Indictment of trespassse, upon reasonable Surety, having sufficient in the County, to appear at the day and place as those letters, bills or warrants require, except such persons as are in their guard or custody upon a Capias ad satisf-

satisfaciend, utlagary, or excommunication, or for surety of the peace, or by commandment of any Justices, and vagrants which refuse to serve: Vide Dyer fol. 324. He is of opinion that the Marshall of the Kings Bench is within the compasse of the Statute of 23 H. 6. c. 10. But the Warden of the Fleet and the keeper of the prison at Westminster are not within the compasse of that Statute, for they are excepted.

Note, that a Sheriff ought to take Band for the appearance of his prisoner with two sureties, having sufficient within the same County; otherwise the Obligation is held to be void: & it must be made to the Sheriff by the name of the Sheriff, and not to the Under-sheriff; and there must be nothing inserted into the condition of that Band, but that the defendants shall appear in the Court from whence the writ issued at the day of the return thereof, to answer to the plaintiff in his action. Plow. Comment fol. 68.

If more be inserted into the Obligation than is for the appearance of the party bound, the Band is void, p Mountague chief Justice, Commentar 68. in Manningshams case there.

A void
band.

A Band entered into by a prisoner to any person save only to the Sheriff, for the enlarging of a prisoner, is not good, but merely void in law, by the Statute of 23 H. 6. cap. 10. And so it is where a band is given to the Sheriff by a stranger, for the enlargement of a prisoner that is not bailable, p 37 H. 6. & Dyer 2 & 3 P. & M. fol. 119.

A Shz:

A Sheriff having an Attachment retorn' coram dicto Rege & consilio suo in Camera stellat' apud Westm' in quind' Paschæ ad respondend' dicto Domino Regi & consilio suo de quodam contemptu, & ad fac' & resp. ulterius, &c. doth arrest the party, and takes band for his appearance indorsed with such condition, that if the party arrested shall personally appear before the Kings Majesty and his Counsell at Westminster in Quindec. Paschæ, and then and there shall answer to a contempt by him committed, that then, &c. It was a question whether this Band and Condition was good in Law or no, because these words then and there were added unto the condition, which was more then the Statute of 23 H. 6. would warrant: and it was demurred on in law. But by the opinions of Dyer and Windham it was thought to be a good Band and Condition, notwithstanding those words were added. But Mead was of a contrary opinion. But Termino Mich. Anno 22 & 23 El. judgement was given for the plaintiffe. Dyer 364.

Sheriffs ought to take no Obligation for any thing whatsoever it be, or by colour of their office, but only to themselves, nor of any person being in their custody, but by the name of the office, naming him Sheriffe in the Obligation, upon this condition that the party shall appear at the day and place in the writ or warrant specified: and if any Obligation be taken by colour of their office in any other form, it is void. 23 H. 6. ca. 10.

Forfeiture
xl. li.

And Sheriffs ought to take no more but 4. d.
for

for making of any obligation, warrant, or precept, by the same law.

And Sheriffs ought to make proclamation when they have received letters for the leuying of expences of the Knights of the Parliament, at the next County-court after the receipt of these letters: and the Coroners ought to be there to sesse the wages, upon pain of xl. s. and they ought to assesse every Hundred at a certain sum by it self, and after every village within the Hundred at a certain summe: and if they doe it otherwise, they shall forfeit for every default xx. li. and he that will sue shall have the moiety thereof with treble damages. 23 H. 6. ca. 11.

Forfeit xl.
s & xx. li.

And every Sheriff, after the receipt of the Kings Writ for summoning of the Parliament for the election of Knights for the Parliament, ought forthwith to make out his warrants under the seal of his office to every Mayor and Bailiffs of Cities and Boroughs within the County, commanding them thereby to chuse Citizens and Burgesses to come to the Parliament: and those Mayors and Bailiffs must make a lawfull return of that precept to the Sheriff by Indenture made between them and the Sheriff of their election, and of their names which are elected: and the Sheriff must set his hand and seal of Office to the one part of the Indentures, and then deliver it to the Mayor, or the Burgesses, or Citizens, to be kept; and to the other part the Mayor, and Citizens, or Burgesses, must set their hands and seals, and deliver it as their
Deeds

ords to the Sheriff, to be certified and retort-
ed by him with the writ of summons to the
Clerk of the Crown, who will have 4. s. for
his fees for every Indenture, as I do take
it.

*The form of the Indenture for the Knights
for the Parliament.*

HEc Indentura facta in pleno com' South.
tent apud castr' Winton' die Lunæ ultim'
die Maii, anno regni, &c. reciting the ~~Things~~
Stile at large, inter F. P. mil' vic' comit' præd'
ex una partē, & C. H. mil' H. D. arm' & D. B.
arm' &c. & mult' al' person' com' præd' & e-
lector' duorum militū ad Parliament' in bre' huic
Indent' affix' specificat' ex altera pte, qui ut
major pars totius Comitatus præd' tunc ibm ex-
isten' jurat' & examinat' secund' vim form' & ef-
fectum diversorum statutū inde edit. & provis. ele-
gerunt H. W. & E. M. mil' infra com' præd'
commorantes, gladiis cinct' milites habiles &
magis idoneos & discret', dantes & concedentes
præd' duobus mil' plenam & sufficientem potest'
pro se & tot' comit' præd' ad faciend. & con-
sentiend' hiis quæ ad Parliam' in dict' brevi con-
tent' de communi consil. regni dicti dom' regis
nunc Angl' contigerit ordinari super negotiis
in dicto brevi spec'. In caju rei Testimon' uni
parti hujus Indenturæ penes dict' dominum
regem remanent' partes prædict' figilla sua appo-
suerunt, alteri vero parti ejusdem Indent' præd'
vic' sigillum suum apposuit. Dat' die, anno &
loco suprad', &c.

The

The form of the Indenture for the Citizens and Burgeses.

This Indenture made, &c. reciting the day, the year, and the Kings Stile at large, as befoze, &c. witnesseth, That by vertue of a Warrant to me directed from Sir J. W. Knight, Sheriff of the County of Southampton, for the electing and chusing of two Burgeses, men of good understanding, wit, knowledge and discretion, for causes concerning the weal publick of this Realm, to be at his Majesties high Court of Parliament to be holden at his Highnesse City of Westminster the xxvi. Day of October next coming, I J. F. Mayor of the Borough of C. in the County of S. with the whole assent & consent of the rest of the Burgeses there, have made choice and election of H. M. of the Middle Temple Esquire, and W. S. of L. Esquire, to be Burgeses of our said Borough of C. to attend at the said Parliament, according to the tenor of the said warrant to me directed in that behalf. In witnesse whereof I have to these presents set our common seal of our said Borough, the day and year first above written.

A Sheriff ought not to execute the office of a Justice of Peace during the time that he is Sheriff, 1 M. ca. 4.

Where any men by dissimulation, flattery, or by any cunning, sleight, means or practice, do make themselves to be beloved of any sole woman, as maid or widow, which maid or widow

do have great possessions, or great store of goods or money, and to deceive them of it, and to gain it for themselves, do by fraud gain the possession of such women, and do convey and keep them in such places where they will not suffer them to goe from them at liberty to dispose of their own as they list, unless such maid or widow will enter into Bond or Statute to pay some great summe of money; or else bind them from marriage with any but to such as they will nominate and appoint: for remedy hereof it is ordained, that the party so bound shall have a writ in the Chancery containing all the matter of such unreasonable dealing, called a special *Supplicavit*, directed to the Sheriff of that County where such wrong is offered, commanding him thereby to make proclamation at his next County-court after receipt thereof, that the defendant appear at a certain day and place prefixed in the said writ before the Chancelor, or before the Judges of assise of that County, or before some other person assigned by the Chancelor: and the Sheriff is bound to execute such writs, according to the tenor of them, upon pain of 300 li. Forfeiture: the one moiety thereof to the King, and the CCC li. the other half to him that will sue by Action of Debt, where no wager of Law, protection or counterplea, shall be allowed, by the Statute of 31 H. 6. cap. 9.

Upon information made to a Justice of Peace or other Justices, against any person for detaining or giving liberty to any, or against any which is retained, the Justices ought to make

process upon this information as upon a recovery in debt or trespass; and the Sheriff ought to return no lesser issues in any suit brought hereupon against any person that is sufficient then 20 s. at the first day upon the distresse, and at the second day 30 s. and at the third day 40 s. and so at every day after more by ten shillings in issues, upon pain for every return twenty shillings, anno 8 Ed. 4. cap. 2.

The ancient Sheriffs may return Writs and execute their Office during the Terms of Saint Michael and Hilarie after the year their Office is ended, if they be not before that time lawfully discharged of their Office, 17 E. 4. cap. 7.

No Sheriff or any other Officer ought to release or take from any person arrested or imprisoned for Felony his goods, untill the same person arrested or imprisoned be duly convicted and attainted of the same felony by due course of law, viz. either by triall, confession, or outlawry, upon pain to forfeit the double value of the goods so taken to the party grieved, to be recovered by action of debt, wherein no wager of law, essoin or protection, lieth, anno 1 R. 3. cap. 3.

Sheriffs which have the custodie of the Gaol ought to certifie the names of their prisoners which are in their custodie for Felony, to the Justices of the next generall Gaol-delivery, in a Kalender, upon pain of a hundred shillings for every default, anno 3 H. 7. cap. 3.

Also no Sheriff, nor no other person in his name, or by his commandment, shall enter any
 Plaints

plaints into their Books in any mans name, unlesse the plaintiff be there in his proper person, or else by his sufficient Attorney or Deputy, that is well known to be of good name and behaviour; and the plaintiff ought to find Pledges, such persons as are known in the Court, to pursue his Plaint. And a plaintiff shall have but one plaint for one trespassse, or one contract. And if the Sheriff, or any other of his Officers, cause to be entred any moze plaints then the plaintiff hath cause of Action for, then the Sheriff or his Clerk that doth contrary to this act shall forfeit for every default forty shillings, the moiety to him that will sue and prove the same matter by action of Debt or information.

Also the Sheriff shall make sufficient Precepts after such plaints entred, but not before, against the defendants, directed to the Bailiff of the Hundred, to attach or warn the defendant to appear at the next County-court, and answer to the said plaints. And if there be any default in the said Bailiffs in the execution of their offices, according to the tenor of their precept, then they are to forfeit xl. s. and to be convicted thereof by examination of the Justices of Peace, or by any of them.

Also the same Sheriff, or his deputies, shall not make any extracts to levy the Shire amercements, untill that two Justices of Peace, whereof one to be of the Quor, have the sight of their books, and the extracts to be indented between the Justices of Peace and the Sheriff and Under-Sheriff, sealed with their seals, the

one part thereof to remain with the said Justices, and the other part with the Sheriff, for his warrant to levy the amercement by.

And that those persons that shall be gatherers of the said amercements shall be sworn by the said Justices, that they take no more money then is forfeit, and certified in their extracts, sealed with the seals of the Justices to the same, upon the same pain of forfeiture as is above rehearsed, to be convict by examination of the same Justices, or one of them. And the same Justices of Peace shall be appointed at the Sessions holden at Mich. by him that is Custos Rotulorum, or in his absence by the eldest of the Quorum, to have the controlment of the said Sheriffs, Undersheriffs, Shire-Clerks, and others of their said Officers, and the said Sheriffs amercements. And the said Justices of Peace, upon suggestion, shall make process against the Sheriff, Underheriff, Shire-clerk, or other Officers, to appear before them to answer to such suggestion or information, as is used in action of Trespasse, by the Statute of 21 H. 7. cap. 15.

Also every Sheriff, upon a precept to him directed from the Justices of Peace to return them a Jury to enquire of any Riot or unlawful Assemblie committed, shall return four and twenty persons dwelling in the Shire, every one of them having xx. s. per annum of freehold, or 26 s. 8 d. per annum copyhold, or of both, besides all charges; and to return in issues upon every person which maketh default, xx. s. at the first day, and at the second day

day xl. s. And if default be in the Sheriff for returning of persons insufficient, or for not returning of issues in form aforesaid, then he doth forfeit twenty pounds. Anno 19 Hen. 7. cap. 13.

Also if any Riot or unlawfull Assembly be in any part of the Realm, the Justices of Peace, or two of them at the least, and the Sheriff or Undersheriff, may come with the power of the County, if need be, and arrest and restrain such misdoers: and these Justices and the Sheriff have power to record that which they find done in their presence against the Law; and such misdoers shall be convicted by that Record. And if they be gone before the coming of the Justices, and the Sheriff or Undersheriff, then the same Justices, or two of them, ought diligently to inquire thereof within one moneth after such Riot or Assembly made: and if the truth cannot be found out within one moneth then next ensuing, then those Justices, or two of them, and the Sheriff or Undersheriff, shall certify the King and his Council thereof, and of all the circumstances thereof; which Certificate shall be as an indictment of twelve men, whereunto they shall be compelled to answer. Anno 13 H. 4. cap. ultimo.

And if the said Riot or unlawfull Assembly be not found by reason of any Ambzacy or Maintenances of the said Jury, then the said Justices of Peace and the Sheriff and Undersheriff, over and besidz such Certificate that they must make, according to the said Statute

of anno 13 H. 4. shall in the same Certificate certifie the names of the same maintainers and imbracers in that behalf, if any be, with their misdemeanors that they know, upon pain of every of the said Justices, and Sheriff and Undersheriff, twenty pound, if they have no reasonable excuse for non-certifying of the same: which Certificate so made shall be one Inquisition in the Law. And every person duly proved to be a maintainer or imbracer shall forfeit twenty pound, and be committed to ward, there to remain by the discretion of the Justices. Anno decimo nono Hen. septim. cap. 13.

Also that no Sheriff upon writs and precepts directed unto him to return before Escheators, or Commissioners, shall return any person to inquire of any lands or tenements, except he have lands or tenements of the yearly value of xl. s. above all charges in the same Shire, upon pain of forfeiture for every person so returned an hundred shillings. Anno 3 H. 8. cap. 2.

Also all pannels put in by the Sheriff before any Justices of Gaol-delivery, or before Justices of Peace, whereof one to be of the Quorum, in their open Sessions, to inquire for the King, may be reformed by putting to and taking from of the names so impannelled by discretion of the same Justices. And that the same Justice or Justices shall command every Sheriff, and their ministers in their absence, to put other persons in the same pannels by their discretion, and the same pannell so returned by the

the Justices to be good. And if any Sheriff do not return the same pannels so reformed, then every Sheriff so offending shall forfeit xx. li. half to him that will sue by action of debt, bill or complaint, where such shall happen to be, and no wager of Law, Essoin or Protection, therein to be allowed. Tertio Henr octavi cap. duodecimo.

Also upon every Exigent where Writs of Proclamation are to be awarded, the same Writ of Proclamation is to have the same day of return that the Exigent hath, and to be delibered of Record by the Exigenter of every Shire. And the Sheriff is to make a Proclamation thre severall days in his County, whereof one Proclamation is to be made at the generall Sessions in those parts where the party is supposed to be dwelling, there to yield his body to the Sheriff of the forrein Shire, that that Sheriff may have the body at the day of the return of the Exigent to answer to the plaintiff. And that the Sheriff of the County that hath such writ of Proclamation duly execute and return the same at the day, upon pain to forfeit such amerciamment as by the Justices before whom the said writs shall be returnable shall be assessed. Anno 6 H. 8. ca. 4.

Also Sheriffs which have the custody of Gaols shall make seals to be graven with the name of the Castle that they keep, for to give and seal letters to prisoners acquitted, to beg for their fees within the Hundred where they be delivered, by the space of six weeks next after their delivery, and then to goe to the Hun-

doed where they last dwelled by the space of thre years, or where they were born. The Sheriff shall not suffer such prisoners to beg for their fees, nor to depart out of prison to doe service and labor, untill he deliver to them such letters; and the Clerk of the Peace is to make such letters within one day after the Sessions, when such prisoner is acquitted, upon pain of xii. d. to the King, by the statute of 22 H. 8. cap. 21. & 5 El. cap. 4.

Sheriffs ought to keep their County-court every moneth, if it hath been accustomed to be so kept. Magna chart cap. 33.

The King commands that Sheriffs and their Officers, which receive his debts, shall acquit the debtors upon their account, when they have received his debts, and then it shall be allowed upon their accompts in the Exchequer: and if the Sheriff doe otherwise, and be thereof convicted, he shall then pay thre times as much as he hath received to the party grieved, and also be fined at the Kings pleasure. Westm I. cap. 20.

Sheriffs and others which have levied the Kings debts, and given acquittances to the debtors, and yet do not acquit them, it is accorded and set down for a Law, that when the Sheriff is impleaded for it in the Exchequer, if he come not in upon the first distresse, then shall goe out another with proclamation, which must be made in full County, that the defendant do come in at a day certain, and acquit the debt of the money which he did receive; and if he come not in, then he shall be
con-

convicted by default, and the debt lebled upon him as a debt recovered against him in the Kings Court, and the plaintiff shall have therein damages according to the discretion of the Barons, by the stat. of 14 E. 3. cap. 1.

And it is the Kings commandment, that all Sheriffs and Bailiffs which have received the Kings debts of the summons of the Exchequer, if they acquit not the debts upon their account, that then they shall be punished according to the Statute de Distractionibus Scaccarii, cap. 5.

And it is ordained that execution of writs which are brought to Sheriffs should be done by the Bailiffs of Hundreds sworn and known, and in full County, and not by others, unlessse those Bailiffs will not or cannot execute them; then they are to be done by other convenient person or persons sworn, by the statute of Lincoln, cap. ultimo.

No Sheriff shall suffer a Barreter to maintain any actions or quarrels in their County-courts, nor Stewards of great men, or any other, which is not Atturney to his Lord or Master; nor they shall not pronounce judgments there, unlessse they be thereunto required by all the suitors. Westm 1. cap. 23.

It shall be lawfull for every Sheriff, Justice of Peace, and Escheator, to seise to the Kings use all such goods and chattels as Egyptians have within their charge, and thereof to give an account to the King in his Exchequer for the moiety thereof, and to detain and keep the other moiety to his own use, and to pay no
tax

fees neither for the account, nor for the charge thereof.

In these Statutes it appeareth what things Sheriffs ought to doe by reason of their office, and that they ought to take nothing for doing of their office, but that only which is appointed for them to take by the same Statutes. If they doe otherwise, it is extortion in them, and it ought to be inquired of by the Justices of Peace, and by them punished accordingly.

And it is ordained by the Statute of 1 H. 4. cap. 5. that if any Sheriff doe any extortion to the people, and thereof be duly attainted, that he shall be duly punished for the same extortion at the Kings will.

A Sheriff may and ought at his Turns to inquire of common Pleasances done to all the Kings subiects, but not of Assaults made to a sole person. Per Martin' anno quarto Hen. sexti, 8 Edw. 4, 5. Dyer 234.

A Sheriff ought to keep his Turns within a moneth after Easter, and within a moneth after Michaelmas; and if he keep it at any other time after the moneth, it is void by the Statute of 13 Ed. 3. cap. 19. and all indictments and presentments taken there after the moneths are expired, are void by the Statute of 38 H. 6.

A Sheriff may inquire of bloudsheds in his turn: for if any thing be omitted in a Leet, it may be inquired of at the Sheriffs turn; for all Leets were derived and taken out of the Sheriffs turn. Pasch. 8 E. 4. 29 E. 3. 27. 43 E. 3. 20. 20 E. 3. 3.

And

And all the Justices were of opinion that a Sheriff hath authority to inquire of all things in his Turn that are either trespassse or felony at the Common Law, except of the death of man; but he cannot inquire of trespassse or felony by statute in his Turn. 28 E. 3. 95. 21 E. 4.

If a Sheriff inquire of Rusance in his turn, and it is there found, which should have been inquired of in a Lat; now the Sheriff cannot distrain for his amercement, for if he do, he is a trespassor. But if default be in the Lord of the Lat, for that he did not inquire thereof, it seemeth then that the Sheriff by the Lords default may inquire thereof in his turn. 28 E. 3. 95. 29 E. 3. 27. 10 H. 4. 21 E. 3. 3.

If a man have a fair or a market by grant or by prescription, and doth not keep his fair or market as he ought to doe, the Sheriff may inquire of this in his turn.

Upon a presentment of a Rusance in the Sheriffs turn, the offender shall be amerced; there the Sheriff may distrain for that amercement. And if a Purpresture be presented there, the Sheriff may abate it and return it. Pasc' 25 E. 3.

It appeareth by Master Britton, that all the Freeholders and Terre-tenants inhabiting within the Hundred ought to come to the Sheriffs turn, none excepted, but Knights and Clergy-men, their wives and children. And there twelve at the least of the sufficientest Freeholders within the Hundred ought to be impannelled and sworn to inquire and present all

all things there inquirable and presentable, and all the rest which appear there ought to be sworn by the Dozeners and villages to present to the said Jury all such things as shall be given them in charge. And it seemeth that the Sheriff ought to keep his turn in every Hundred within his County, and there punish all things which have been omitted at the Leets or Law-days there.

Also by the same Law it seemeth that they ought to inquire there of petty treasons, homicides, rapes, robberies, burglaries, and of all manner of felonies by the Common Law, and of all other things inquirable at a Leet, according to the Statute of 18 Ed. 2. de Vis Franc' Pleg.

And when the Dozeners and villages have delibered their presentments to the said Jury, and the Jury when they are agreed of their presentments, then they must give up to the Steward or the Court-keeper such presentments as they will stand to and abow; and if there be any of felony, they must deliver up these by themselves to the Steward privily, and the rest openly.

But this Court is now almost out of use, since Sheriffs have used to sell both their Sherifwicks and Balliwicks to men of mean estate, that will not regard the good of the Commonwealth, but altogether their own private gain and profit, whereby the King is many times much wronged and deceived, between the Undersheriff and the Balliffs, of all his waifs, strays, and felons goods, which are
taken

taken up by the Bailiffs, and never accounted for; which may touch the Sheriff in his credit and reputation: for when he entreteth into his account for the payment of the Kings debts, he is then sworn to answer and account for all waifs, strates, and felons goods, debts, perquisites and profits, which he seldome or never knows of, because those ancient Courts are not kept as they ought to be, and therefore how he may dispense with his oath herein is the question.

There is a Writ in the Register, fol. 174. whereby a Sheriff may remove all his Bailiffs of Hundreds, Wapentakes, Tithings, & Liberties, which have not lands or tenements sufficient within the County. And Sheriffs Bailiffs one year ought not to be in that office in three years after, by the Stat. of 1 H. 5. ca. 4. because by their continuall being in the office they grow so cunning, that they are able to deceive both the King, the Sheriff, and the County.

And Sheriffs Bailiffs ought to be sworn unto the Supremacie, and to exercise their Office duly and truly, by the Statute of 27 El. capitul. 12.

The nature of Executions, and of how many sorts they are.

They are of six sorts or degrees; viz. upon a Statute-merchant, a Statute-staple, a Recognisance, an Elegit, a Capias ad satisfaciend, and a Fieri fac'. And a Sheriff cannot law-

lawfully break any mans house to doe execution upon any of these iustifiably, except the King be a party; for *Domus sua cuique est tutissimum refugium*, as hereafter shall appear. If a man be bound in a Statute-merchant, execution shall be done thereof thus. First a Writ of Certiorari must be sued forth of the Chancery, directed to the place where the Statute was acknowledged, to certifie the acknowledgement of the Statute into the petty-bag-office in the Chancery; and upon that Certificate shall goe out a Capias against the body onely, *si laicus sit*, returnable in the Court of Common Pleas, or in the Kings Bench: and upon the return of that with the Sheriff of that Shire to whom it was directed, *quod laicus est, & non est inventus in balliva sua*, then within a quarter of a year after shall goe out an Exigent against all the cognisors lands and goods, and against his body. And for your better satisfaction herein see the Statute de Mercatoribus 37 H. 6. fol. 6. and Fitzherbert 130. G.

A Statute-staple must be certified in the like manner as a Statute-merchant, and upon that shall goe forth a writ of execution both against body, land, and goods, returnable in the Chancery in the petty-bag-office there, and not in the Court of Common Pleas, or Kings Bench, as the Writ of execution upon a Statute-merchant shall: and upon the return of this writ, such lands and goods as are taken in execution shall be delivered to the cognisee by the Sheriff, by another writ called a Liberate, and not before. And note that all the fee-simple lands

lands which the cognisor had at the time of the acknowledging of the said Statute, or at any time after, are liable to both the said Statutes; but no intailed land, but during the cognisor's life, nor no copyhold land, nor no goods, nor leases for life or years, but such as the recognisor hath in his own use and possession at the time of the execution done. Fitz. 131. D.

Note that if a Statute-staple be returned and filed, the cognitor can have no Liberate into any other county. 2 R. 3. fol. 7.

Upon a Recognisance there shall not goe out a Capias, but Scire fac', returnable in the Chancery; and upon the return thereof they do use to award a Capias, a Fieri facias, or an Elegit, at the choice and election of the cognitor. 48 Edw. 3. fol. 14.

By an Elegit the Sheriff may take in execution one half of the land of the cognisor, and all his goods, præter boves & afros de caruca sua. A Capias ad satisfaciendum is onely against the body, which the Sheriff must be sure to keep safe, or else he may perhaps pay the debt, if his prisoner do escape either with his leave or consent, after that he is once in execution; for then the Sheriff hath small remedy or none at all: but if he do escape against the Sheriffs will, and without his consent, then the Sheriff may take him again, if he can find him, by the same Writ, before the return thereof, or by another after, though it be in another Shire, so that he be followed with fresh suit, and taken again before the action brought
by

by the plaintiff against the Sheriff for the escape. Howsoever the Sheriff in this case may have his remedy against his prisoner by his Action upon the case, if he be able to make him satisfaction: otherwise he may keep his body, and his prisoner in this case shall not be delivered by a Superfed. upon Audita querela, because he cannot take any benefit of his own wrong. But otherwise it is when a prisoner escapes with the consent of the Sheriff or Gaoler: for then he shall have and maintain if he will an Audita querela against a Sheriff or a Gaoler, as it appeareth in my Lord Cokes 3. Book of Reports, fol. 43. & 44. in Baytons case there. And in my Lord Cokes said thirde Book of Reports it is resolved for Law, That if a Sheriff die in the time of his Office, having divers persons in his custody, and after a new Sheriff is chosen in his place, in this case it behoves the new Sheriff to take notice at his perill of all the executions which are against any person which he findes in the Gaol; and that is a matter of necessity, for in that case there is no man in rerum natura to deliver the prisoners unto him.

Also in the same case it is resolved, that if a Sheriff die in the time of his office, and before another be appointed to that place and office, a prisoner which was in the prison in execution breaks the prison, and so is at large, this is no escape: and the reason is there alledged, because when the Sheriff died, all his prisoners were in the custody of the Law, untill a new Sheriff was chosen and set in his place.

And

And therefore although that the prisoners be in the interim out of the walls of the prison, yet the Law hath the custody of them, and preserves them in execution without any fresh suit made after them, wheresoever they be; and they may be fetched again in execution at any time after, if they can be found, and no escape in this case can prejudice the plaintiff.

Note also that if a prisoner die in execution before payment or satisfaction made to the plaintiff for his debt for which he is in execution upon a Capias ad satisfaciend. in this case the plaintiff shall have an Elegit against the defendants lands and goods, if he had any lands in fee-simple, at or any time after the Judgement was had against him, or any goods at the time of his death. And it is Blomfields case, in the fifth Book of Sir Edward Cokes Reports, f. 87. and Fitz. nat. br. fo. 246.

Also when a man is in the Sheriffs custody by the process of Law, and after another Writ is delivered to the Sheriff against the body of him which is then in his custody, the Sheriff in this case must be answerable for his prisoner, although he do not arrest him by the second Writ, by the Judgement of the Law; for Lex non præcipit inutilia. And this in Frosts case, in the fifth Book of Reports, f. 89. and with this agreeth 7 H. 4. 30.

If a Capias, viz. a mean process, be executed, and not returned, the arrest is tortious and a wrong, for the arrest is made to that end that the defendant should appear to answer to the plaintiff in his action. But in all Writs

of execution except an Elegit, if the execution be duly done, although the Writ be never returned or filed, it is no great matter, if the plaintiff have his demand; for then he hath no cause to proceed any further therein. But in case of an Elegit, because the Extent is to be made by an Inquest, and not by the Sheriff alone, that ought to be returned, or else it is nothing worth; as it appeareth in Hoes case in the said 5. Book of Reports, fol. 90. and by Fulwoods case in the 4. Book, fol. 65.

Also it is resolved in Seymans case in the said 5. Book of Reports, fol. 91. that a mans house is to him his Castle, as well for his defence against injury and violence, as for his rest and repose, and that a Sheriff cannot justify the breaking of any mans house to execute a Capias ad satisfaciend' or a Fieri fac', but if he doe, it is at his perill, and he is thereby a trespasser, if the King be not a party; for *domus sua cuique tutissimum est refugium*: but if the King be a party, then the Sheriff may justify the breaking of a house to doe execution of his process, if he cannot otherwise execute his process; but first he ought to make request to open the dooz, by the Stat. of Westm. 1. cap. 17. & 41. of the Arise placit 17. if he break the doozs when he may enter otherwise. Yet in the said Seymans case it is resolved, That a Sheriff upon an Habere fac' seisinam or possessione may break a house, and deliver seisin and possession thereof to the plaintiff: and the reason therein is, because that after judgement, it is not the defendants

dants house in right and iudgement of Law.

Also whether it be for felony or suspicion of felony, the Kings Officer may break another mans house to apprehend a thief, and that for two reasons; viz. one for the good of the Commonwealth, and the other is for the service and duty which he owes to his Prince: for in every felony the King hath an interest; and where the King hath any interest, the Writ is a Non omittit propter aliquam libertatem, and therefore the liberty or privilege of any mans house will not hold against the King. But where the King hath no interest, but only a common person, a Sheriff, although he make request to open the doors, and deniall is made, if he should then break them, and so enter and doe execution, thereof might rise great inconvenience, that men in the night as well as in the day should have their houses broken upon any feigned matter. For although that a Sheriff be an Officer of great authority and trust, yet it appeareth by daily experience, that all or the most part of the Kings Writs are executed and served by Undersheriffs and Bailiffs, which most commonly are persons of small value and account. And all the authorities which do prove that when the Process do concern the King, that the Sheriff may then break the house of any Subject to execute them, if otherwise he cannot execute them, implieth that at the suit of a common person the house cannot be broken justifiably. And with this resolution agreeth the book in 6 Edw. 4. fol. 9. A Fieri facias is only against the goods and chattels

of a man, as movable goods, or Leases for years. And the Sheriff had need to be very careful how and after what manner he doth execute this Writ, lest he burn his fingers: for if the goods or Leases which he taketh in execution be not the defendants own goods or Leases, although he may find them in the possession of the defendant, which is the best colour in Law to prove them his, if he use them and take the profit and the benefit of them; see in Twynes case in Sir Ed. Cokes 3. Book of Reports.

Also sometimes it doth fall out, that the goods and chattels which a Sheriff upon such a Writ taketh in execution are not the defendants, and then the Sheriff is a trespasser to the Owner of the goods: as if the Lands be pawned to the defendant, they are none of his untill the day of the redeeming of them be past: 34 Hen. 8. Pledges 28. & 4 Edw. 6. dist. 75. So if a man bona fide make a Lease of his Dren for years, and after is condemned in a personal Action, these Dren during the time shall not be taken in execution. 22 E. 4. fol. 10.

In debt where three are bound jointly and severally, and three Judgements are had against them, in this case if execution be done against one of them, the others shall have a Superfedeas: But in Trespasse against three, execution against one of them sufficeth not; and the same Law is in a joynt-debt. 4 Eliz. fol. 39.

If goods taken in execution upon triall are found

found to be none of the defendants, then the Sheriff shall pay damages to the owner of the goods, to the value of the goods so taken, and costs of suit, although he hath delibered them to the plaintiff in execution. Or if he hath not delibered them to the plaintiff, if he have returned his Writs, that he hath taken so much goods of the defendants, and that he hath denarios illos parat ad reddend' to the plaintiff, then he is at a double mischief: For although the value of the goods be recovered against him by the owner of the goods, yet the plaintiff in the action may within the year after execution done have a Scire facias upon the judgement and return, and thereby compell the Sheriff to bring the money into the Court; and after the year he may have an action of debt against the Sheriff for it, if he be not otherwise ordered by the Court where the Judgement is depending. And therefore in this case the surest course for the Sheriff is, either to keep the goods untill the parties be agreed, or else to take good security of the plaintiff to defend him and save him harmlesse, and to stay the returning of his Writs untill he may be well advised what to doe therein: for if he take a bond of the plaintiff, it is questionable whether it be good or no in Law, and not within the compass of the Statute of 23 H. 6. to be taken color officii. Sed hoc quære.

It is resolved in Mittons case in my Lord Cokes 4. Book of Reports, fol. 33. & 34. that both the County-court and the Gaol are appertinent and belonging to the Sheriffs office,

and ought not to be severed, no more then the Sheriffs turn from the office; and it was the opinions of Popham and Anderson the 2 Lord chief Justices, and with that agreeth the Judgement of the Parliament ann^o 14 E. 3. ca. 10.

Now next I will say something as concerning a Sheriffs account, which will trouble him most of all, if he be never so skilfull therein, it is so tedious and so chargeable: for if he get by his office, he will go nigh to be stripped clean out of it in paying of Exchequer fees, and other extraordinary charges which he cannot avoid, as experience hath taught me. And there is no way to help it, as I think, but by an Act of Parliament. And therefore it is no marvell that the Undersheriffs make shipwreck of their consciences, to catch what they can to save themselves, and that which they had before they entered into that office: for what between some of their high Sheriffs covetousnesse in taking money for their office, and extremitie shewed to them and their surties upon every light and small occasion, and the extreme taking of ordinary and extraordinary fees of Exchequer-men, a poor Under-sheriff is stripped out of all that ever he hath or can make, if he do not hedge so as he may be still in action every year, as a Fox is stripped out of his skin. And yet few or none will pitty him, for in every Court where he is called in question, the name of an Under-sheriff is so odious, and many times not without just cause, that oftentimes an honest man is condemned

demned to be a knave, befoze he is heard speak
foz himself: nay, he is so odious, (I mean a
lewd extorting Undersheriff) that a Thief by
the Kings generall Pardon receibes moze fa-
bour then he can: foz a thief is thereby pardo-
ned of all felonies foz the which he might
have the benefit of his Clergie, although he
cannot read; but all misdemeanors commit-
ted by an Undersheriff are commonly excepted
out of the Generall Pardon. Which is some-
what harsh, that all shall be condemned foz
some; foz there is never an Officer the King
hath taketh moze pains, and undergoes moze
perils, and doth the King better service,
then an honest, understanding and carefull
Undersheriff doth: but commonly these do
die beggers, by reason of the causes befoze
alleged.

The entrance into the Sheriffs Account.

First, in Hillarie Term next after they are
out of Office, the high Sheriffs and Under-
riffs of most Shires are sworn to yeld and
give a just and true account to the King & his
officers in the Exchequer of the Kings debts,
which they shall be charged withall by the
Green wax of the Exchequer, and of all waifs,
strays, and felons goods, which happened with-
in the compass of their office, & of all other pro-
fits whatsoever due and belonging to the
King, and chargeable on them to answer foz by
reason of their office, oz much to this effect.
Now when this is done, the high Sheriff com-

manly takes no further care, because he thinks himself secure, by reason of his security which he hath of his Undersheriff; for thereupon he relies, and seldome or never remembers what Dath he hath taken, and so commits all to his Undersheriff. Then if his Undersheriff be a careful & an honest man, and have skill and regard to do his best endeavour to levy the Kings debts, and to pay them into the Receit Duly & orderly, as they ought to be, then the high Sheriff may do well enough, and therein discharge both his Dath and his duty: but if otherwise, a lewd or an ignorant Undersheriff may both undo his high Sheriff and himself, both in this world and in the world to come, by totting & nichiling, that is, in charging or discharging, unorderly, dishonestly, or ignorantly. For if it be totted, that is, charged, though it can never be leved, it will now hardly be aboided but it must be paid: and if it be nichiled, if it be issues of Jurozs, though they be never so bad, and cannot be leved, between the old Sheriff which returned them, and the new Sheriff which nichiled them, they must be payed, though it be seven years after, if there come no pardon in the mean time, by an old Statute-law made in the 27. year of Edw. 1. And to prevent this, it behoves all Sheriffs, before they take upon them to return any Jurozs, to get them a perfect book of all the sufficient freeholders names in the Shire, and especially of all which dwell in the gildable, howsoever they doe of those which are in Liberties; but of both is best, that the one may help the other; and

and to return few or none that be mean freeholders in the gildable, lest by the said Law they be enforced to pay their issues for them. Which is a thing very hardly to be brought to passe, unlesse the Iustices of Peace, in every quarter of the Country, do cause the Constables and Bailiffs to bring a true certificate thereof to the first quarter Sessions that shall be holden in the Shire after the election of the new Sheriff, to be delivered unto him there: and this will hardly be done, unlesse the Judges of Assise of every Shire will be pleased to write their letters to that end and purpose to the Iustices of Peace of every Division.

Now next the Undersheriff must go to the forrein Apposer, and with him he must either rot, nichil, or set over into liberties, all the debts and sums of money contained in the Summons of the Green war, and in the Contracts of the Peace of the County where he was Undersheriff. Wherein he must be very careful what he doth, lest he doe that which he cannot undo again. And to prevent the danger thereof, his best way is, to examine his Book, which he is to make of all the charge contained in his summons and scedules, before and with the Bailiffs of the Shire, to have their direction which are good debts and which are not, and which are in liberties and which are not, if he himself do not know it, before he come to his account; and then make his Book accordingly: and then he shall be the better able to perform the duty of an honest man when he comes to his Apposals. But herein if the
She-

Sheriff know not well the Countrey and the Kings debtors himself, he is many times abused by the Bailiffs, who most dishonestly will mis-inform him, and for bribes and rewards, which they take of the Freeholders, will tell him that they are either long since dead, or nothing worth, whereas they are living, and very sufficient. And they will also serve him so with the Recognisances. And by that means dishonest Bailiffs do cause Sheriffs to deceive the King of many of his debts by their ignorance against their wills, in trusting of the reports and informations of their Bailiffs. And this cannot be helped, unless the Sheriffs will levy the Kings money themselves, which they cannot possibly doe, by reason of their other businesse; or had trusty servants about them to do it truly and honestly, without grievance of the countrey, as it ought to be.

A Particular of the ordinary charges of the Accompt the Sheriff of the County of Southampton heretofore used to pay, as followeth,

I Nprimis, to his Atturney in Mr. Osbornes	Termin.
office, for his warrant of Atturney, ij. s.	sancti Hill.
	Cro ^r Pu-
	rificatio-
Item, to him for his fees, and I cannot	nis, when
tell for what else,	he entreth
	into his
Item, to his man for his fees, vi. s. viij. d.	Account,
Item, to another in that office for entring	
of that warrant,	xij. d.
Item, to the puny Baron for ministring of	
the oath,	ij. s.
Item, to the Criers and Tipitaves there,	
	ix. s.
Item, to the Marshall then and there, vi. s.	
	vij. d.
Item, to the forein Apposer for his fee, li. s.	
	x. s.
Item, to his men,	x. s.
Item, to the Clerk of the Extracts for his	
fee,	xx. s.
Item, to his men,	x. s.
Item, to his Atturney in the Pipe for his	
fees,	vi. li.
Item, to his man for his fee,	xx. s.
Item, to the Deputie of the Pipe for his	
fees,	xxij. s. iij. d.
Item, to the Controller of the Pipe for his	
fees,	xxij. s. vi. d.
	Item,

- Item, to his man for his fee, x. s.
 Item, to Master Orms of the Pipe for his
 fees, xviij. s. viij. d.
 Item, to the Baron for the appoal upon
 the summons of the Pipe, x. s.
 Item, to him for his fee for the vicontells,
x. s.
 Item, to his man for his fee for the same,
v. s.
 Item, to his Attorney in the Kings Remem-
 brancers office for his fee, iii. s. iiij. d.
 Item, to his man, iii. s. vi. d.
 Item, for a Writ of Assistance from your
 Attorney in Master Osbornes office, v. s. vi. d.

Termino
Pasche.

- I**Nprimis, to the Master of the Pipe for
 his fee, xviij. li. v. s.
 Item, to the master of the Wardrobe for
 his fee, v. li. xi. s. ix. d.
 Item, to him for a Tally to have thereby an
 allowance given for it, xvi. d.
 Item, for ioyning of that Tally in the Pipe,
iiij. s. iiij. d.
 Item, for Master Elsons fee for the forrest of
 Mesbeare in Hampshire, iii. li. x. d.
 Item, for the Earl of Pembrooks fee for
 Burley wall in the Pew forrest in the said
 County, ix. li. ii. s. vi. d.
 Item, to Sir Will. Kingmill for his fee and
 reparations of Freemantle Park in the said
 County, xxix. li. xviij. s. v. d. ob.
 All these five last payments are allowed
 upon the Sheriffs account, out of the Kings mo-
 ney, which otherwise should be paid to the
 King. Item,

Item, to the forrein Apposer for his fee, for allowance of Justices wages to the Sheriff upon the Extracts of the Peace, xl.s.

Item, to his men for their fees, xlii.s. iiii.d.

And herein the Sheriff of the said County is wronged by the Clerk of the Peace of the said County: for the Clerk of the Peace there receives all the fines, and pays the wages, and if there be any surplussage, he puts it up in his own purse; and the Sheriff pays it to the King, and never hath it; because the fines are all certified in the Extracts of the Peace, and many times the fines do exceed the wages of the Justices which are allowed to the Sheriff for wages: for he is allowed but liii. s. a day a piece for eight Justices; and therefore accounting the fees which he pays to the Officers in the Exchequer for his allowance, he is a great loser by it, and the Clerk of the Peace goes away with the gains. Therefore this would be remedied.

Item, to the forrein Apposer, for casting up of the debet upon the scedules of the Green war, b. s.

Item, to the Auditor assigned for the Shire, for declaring of the account, x. li. at the least.

Item, to the Atturney of the Pipe, for giving allowance of the Justices wages, before allowed by the forrein Apposer in the Sheriffs account, xlii. s. iiii. d.

Item, to him for giving allowance of Eltons acquittance, li. s. iiii. d.

Item, to him for the foot of the Accompt, xxxii. s. liii. d.

Item,

Item, to his man for his pains taken therein, l. s.

Item, to the Baron for declaring of the account, vi. s. viij. d.

Item, to his man for his fee, ij. s.

Item, to his Attornee in the Kings Remembrancers office for examining of the account, v. s.

Item, to one of Mr. Osbornes office for receiving of the Account, v. s.

Item, for copies of the seizures which the Sheriff makes himself in his year in Master Osbornes office commonly, at the least v. li.

Item, for copies of the new seizures on the Kings Remembrancers side, according to the number of them, but commonly they come to about xx. s.

Item, you must leave with your Atturney in Master Osbornes office in part of payment for making your petitions upon your account, for they will cost you liij. s. apiece, and you may perhaps have C, x. li.

Item, for another Writ of Assistance there, v. s. vi. d.

Termino
Trinitatis

Item, for entering the view of the account in Master Osbornes office, vi. s. iiij. d.

Item, in the Alienation office for viewing of the account, and for a note of the charge there, iiij. s. iiij. d.

Item, if the Sheriff take the benefit of a generall pardon, then he must goe to the Clerk of the Extracts to have scedules made of all such issues as are pardoned, and they will cost him for every scedule (as I remember) xx. d. which

which may come to iiii. or v. li. or thereabouts.

Item, to the Clerk of the Extracts man for his pains therein, xlii. s. iiii. d.

Item, then to a Baron for allowing of them, xlii. s. iiii. d.

Item, to the Barons man, iiii. s.

And this must all goe out of the Sheriffs purse without any allowance: and it is better then to oppresse the country, when they may be eased by the Pardon. For if the Sheriff lebe any, he must pay it into the receit, or else he is forsworn.

Then if you carried any prisoners by writ or commandment from the Judges of Assise, you must goe to the chief Judge of Assise for his warrant, & get your allowance under his hands as good cheap as you can, for some of his men will have money of you for it, x. s. at the least.

And then when you have his hand to it, you must goe to the Chancelloz of the Excheq. for his hand to it, and his man will look for to have for his pains therein taken, at the least x. s.

Also in the Alienation office it will cost you for making of the Bond and Acquittance, with the scedules of seizures against such as have sold land held of the King without licence of alienation, xl. s. vi. d.

Item, for a warrant for a day to finish the Account untill Mich. term, which now will hardly be gotten without extraordinary favour, xl. s.

Item, to the Attornei in the Pipe office, for setting off from the Account six Amerciaments, ii. s.

Item,

Item, to his man for his pains therein to be taken, l. s.

Item, paid for discharging of the Amerciaments in Master Osbornes office, xx. s.

Item, for a warrant to set off and discharge in Sir Henry Fanshaws office, xii. s. vi. d.

Item, for another Writ of Assistance, v. s. vi. d.

Item, to the Marshall for liberty, if the Sheriff cannot goe through with his account in Trinity Term, itij. li. vi. s. viij. d.

Item, to his man, vi. s. viij. d.

Item, to Master Osborne for ruling of your petitions, xl. s.

Item, more to his Atturney in the said Office for making the petitions, v. li.

Item, to his man for his pains taken therein, xl. s.

Item, to the Master of the Pipe for his fee, xii. s. itij. d.

Item, to the Controller of the Pipe for his fee, lxx. s.

Item, to his man, xxij. s.

Item, to your Attorney of the Pipe for his fee, v. li.

Item, to his man, xxij. s. vi. d.

Item, for the Acquittances of two Tallies in the receit, ij. s.

Item, for striking of those Tallies, ij. s. itij. d.

Item, for ioyning and allowing of another Tally for payment of a debt de remanent computi, v. s.

Item, to two Auditors for casting up of a Sheriff's

The Office of a Sheriff.

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Sheriff's account in the Court when he is to be
cast out of the Court,

l. s.

Item, to the Baron then,

xx. s.

Item, to his men,

lxx. s.

Item, to the Marshall then,

xl. s. lxx. d.

Item, to the Tipstabs and Criers then,

l. s.

Item, to the Clerk of the Pipe for Recusants,

xxx. s.

Item, for allowing and joining of the Tal-
ly for Recusants debts,

vi. s.

Item, to the Baron for respects for Recu-
sants debts,

xxx. s.

Item, to the Clerk of the Pipe for Recu-
sants for allowing of that warrant,

l. s.

Item, to the Master of the Pipe for the same,

lxx. s. lxx. d.

Item, to the Bag-bearer,

xli. d.

Item, for the Quietus est to the Sheriff's At-
turney of the Pipe,

lxx. li. vi. s. lxx. d.

Item, to his man for his pains taken there-
in,

xx. s.

Item, for the Quietus est for the Recusants,

xx. s.

Cum multis aliis quæ nunc perscribere lon-
gum est. Et sic quietus est.

Summa totalis, &c.

All these summs are payed, besides all his
charges and fees which he lays out and dis-
burseth in the year that he is Sheriff, which
comes to a great deal more, as experience will
teach him.

¶

Returna



Returna Brevium.

Returna Summon' Assis.

Virtute istius præcepti mihi directi, venire feci coram Justiciari infra. a. diem & locum infracontent omnia Brevia Assisarum Juratorum certificat. in Com. infra script coram quibuscunque Justic' tam per diversa brevia domin. P. & M. nup. Regis & Regina Angliæ quam per diuisa brevia domin. reg. nunc, una cum Pannellis, Attachiammentis, Reattachiammentis, & omnibus aliis adminicul' Assis. Jurat & certification' ill' qualitercunque tangeri venire feci etiam coram præfat Justiciari ad Gaolam dicti domin. Regis Castri sui Winton. prisonariis in ea existen. d' liberand' assignat præfat diem omnes prisonarios in gaola prædicti existen. una cum eorum Attachiammentis, reattachiammentis, & omnibus aliis adminiculis prisonarios illos qualitercunque tanger': & de vis' cujuslibet villæ & loci ubi felon. unde iidem prisonarii indict' appell' sive arrestat' existunt fuerint tam infra libertates quam extra xxiiiij. pro. & legales homines quibus rei veritas melius sciri poterit & inquiri, & qui prisonar. ill' nulla affinitat' attingunt, una cum quatuor hominibus & præpositis villæ & loci eorum, ad faciend'

quæ tunc ibidem hiis ex partē domini regis nunc
injung. publice etiam proclam feci per totam
Ballivam meam, quod omnes illi qui sequi volu-
erint vers. prison. illos, qd' tunc sint ibi vers. eos
pat justum fuerit prosecut. Scire feci etiam
omnib' coron', Justic' pacis, seneschallis dñor
& magnat, & ballivis libertat & hundr com præ-
dict', quod tunc sint ibim cum rotulis, record',
indictament, & aliis memorand' suis, ad faciend'
ea quæ ad officia sua pertin', prout interius mihi
præcipitur.

Resid. execution. istius pcepti patet in qui-
busd' scedulis huic præcepto annexat.

R.O. Ar Vic'.

But now the Assise pcept is generally
retorned shortly thus; viz.

Executio istius præcepti patet in quibus-
dam scedulis huic præcepto annex'.

W.S. Ar Vic'.

And then ingrosse the names of the Justi-
ces of the Peace and Coroners in one scedule,
the names of the Bailiffs of Liberties, the
names of the Mayors, Bailiffs and chief Offi-
cers of every Corporation, in another scedule.

The names of the chief Constables and
Bailiffs of Hundreds in another.

The Calendar of the Prisoners names in
another.

And the Grand Jury and Jury between the
Prisoners, written fair in paper, untill they
be sworn.

And then your Assise processe being all re-
turned, every Writ according to its nature,
and execution thereupon don, annex them

all to the pzecept, and so deliver them to your high Sheriff, who is to deliver them to the Judge in Court, when he is thereto called.

Memorandum. When the Jurors are sworn, you are to ingrosse their names in parchment pannels, to be delivered to the Clerk of the Assise to be annexed to the pzecept.

And the warrants which the Sheriff must make by vertue of this pzecept for the summoning of the Assises to the Bailiffs of Liberties and Bailiffs of Hundreds must contain in them the whole substance of this pzecept: but whether it be in Latine or English, it is not materiall, so that it be in due form. And it is needfull that the Sheriff keep for himself a particular note of the names of such persons as he nominateth in his warrant to be summoned to serve in the grand Jury, and not to leave it to the discretion of Bailiffs to put in and out whom they list in that service.

The form of a Warrant.

Robertus O. Ar Vic' com' præd' balliv' libertat' de C. vel ballivo hund' de A. salut'. Viri cujusd' pcepti mihi directi. tibi mando, quod ven. facias cor' L. T. & L. H. Justic' Assis. in comitatu prædict', ad assisas apud Carum Winton. decimo die Augusti proximo tenend', sepersonal. person. subscript' ad faciend' ea quæ tunc & ibidem ex parte Domini Regis nunc eis injungetur. Publice etiam proclam' facias p totam ballivam tuam, quod omnes illi qui sequi voluerint

voluerint versus prisionarios in gaola Domini Regis comitatu prædict. quod tunc sint ibi versus eos prout justum fuerit prosecutur. Scire facias etiam omnibus Coron. Justic. pacis, seneschallis dominorum & magnat, quod tunc sint ibi cum rotulis, recordis, indictamentis, & aliis memorandis suis, ad fac. ea quæ ad seperal. officia sua pertinent; & quod tu ipse sis adtunc & ibidem, ad faciendum omnia ea quæ ad officium tuum pertinent, una cum hoc pcept, sub periculo incumbent. Dat sub sigillo officii mei tali die & anno, &c.

R.O. Ar Vic'.

Then here at the end of the Warrant under the Sheriff must set down the names and dwelling-places of such as he will have warned to serbe in the grand Jury in particular, and keep a note of them, that he may be able to shew to the Court, if need shall require, who he had determined to have returned for that serbice if they had come: and if the fault fall out to be in the Bailiff, then he shall be punished, and the Sheriff excused.

Returna' summ' Sessionum pacis.

Virtute istius brevis mihi directi venire feci corā Justiciā infrascript apud castrum Winton. infrspecificat die anno & loco infracotent omnes Constabularios & Ballivos hundred infra Comitāt specif. necnon de quolibet dict. libertatum & hundred vigin quatuor Jurator ad faciend ea quæ eis ex parte Domini Regis

ad tunc & ibidem injungentur : ac etiam scire feci omnibus Constabulariis & Ballivis hundredi Comitatus infra scripti quod tunc sint ibi, habentes secum omnia nomina artificum laborarum & servientium husbandry infra hundredum prædictum contra formam statuti inde excessive capiendi : ac insuper sufficient. proclamavi feci infra Ballivam meam, quod omnes illi qui tam pro Domino Rege quam pro seipsis versus hujusmodi artifices, laborarum & servientium. aliquas querelas juxta formam statuti ordinationis prædictæ conqueri vel prosequi voluerint, quod tunc sint ibi ballivi suas personas justiciamque ibidem subiter si sibi viderint expediri, proinde interius mihi præcipitur,

R. O. Ar Vic

South.

The Warrant must begin in the same form as the other, quod venire facias coram Justiciis domini regis ad pacem in comitatu prædicto apud, &c. omnes Constabularii &c. according to the substance of the matter contained in the Writ, and conclude it as the other is concluded.

Return dicti brevis aliquando utitur sic.

EXecutio istius brevis patet in quibusdam Pannellis huic brevi consueti vel annexi.

R. O. Ar Vic

Return brevis originali in debito vel transgressi si defendi sit insufficiens.

Pleg' de prof. { I. Doo.
 { R. Rpo.

Return

*Retorna Venire fac' in Officio
Coronæ.*

INfrandiat' A. B. nichil hēt in Balliva mea per
quod attach' potest.

W. S. Añ Vic'.

Si sit Sum', tunc,

Infrandiat' A. B. attach' est

p Pleg'. { Johēm Doo,
&
Ricm̄ Roo.

W. S. Añ Vic'.

Retorn' Distring' ibm'.

Manuaptores infrandiat' A. B.

{ J. Denn,
&
Ric. Fenn.

Exit' — 10 s.

W. S. Añ Vic'.

*Retorn' Original' super Statut'
pro Roboria.*

Pleg' de p̄s. { Johēs Doo,
&
Ricūs Roo.

Sum' F. H. }
&
C. S. } de S. in Com' meo.

L 4

Duor

Dnor' Inhabitant' in hundred. infra script.

{ Johēs Denn,
&
{ Ricūs Fenn.

W. S. Añ Vic.

Infranominatē H. B. & C. D. and if there be moze defendants then two, then you must name but one, & cæteri def. infra nominatē nihil habent in balliva mea per qd' sum̄ possint, if it be debt; but if it be in trespassse, then it must be per qd' attach' possint, or potest, if it be but against one defendant.

R. O. Añ Vic.

Retorn' de capias al' & plur'.

INfranominatē A. B. non est inventē in Balliva mea: & si sunt tres, tunc sic; & cæteri defendentē infranominatē non sunt inventē in balliva mea.

R. O. Añ Vic.

These Writs are seldome or never used to be returned by Sheriffs, for Attornies do use to return themselves, with the leave and suffrance or consent of Sheriffs: otherwise they cannot justifie the setting of the Sheriffs name to their Writs.

Return' de Exigent.

Virtute istius brevis mihi directi ad comitē meū tenē apud castrū Winton in comitē

miſ S. infraſcript die Lunæ, videlicet decimo die I. anno regni Domini regis infraſcript xv. infranominat I. C. & cæteri defend infranominat (if there be above two) primo exacti fuer & non comparuer; ad com meum S. ibidem ten die Lunæ, videlicet viceſimo die A. anno prædict, prædict I. C. & cæteri defend infranominat ſecundo exact' fuer & non comparuer; ad comit meum S. ibidem ten die Lunæ, videlicet decim die S anno prædict, præd I. C. & cæteri defend infranominat tertio exact' fuer & non comparuer; & ad com meum S. ibidem ten, videlicet duodecimo die O. anno prædict, præd I. C. & cæteri defend infranominat quarto exact' fuer & non comparuer; & ad com. meum S. ibidem ten die Lunæ, videlicet tertio die N. anno prædict, prædict' I. C. & cæteri defend infranominat quinto exact' fuer & non comparuer: ideo prædict' I. C. & cæteri defend infranominat p Judicium I. W. & W. R. gen coron dicti dñi regis com pã ſecund legem & conſ. regni dñi noſtri regis Ang' utlagat ſunt & quilibet eorum utlagat eſt.

R. O. Añ Vic'.

Retorna de brevi de exigend' eum ſuperſed'.

Virtute, &c. Ad com meum S. ibidem ten die Lunæ, viz. 20. die A. ann præd. præd I. C. quarto exact' fuit, & protulit mihi bre dñi regis de ſuperſed, & eſt huic brevi annex', p qd ad executione iſtius brevis ulterius faciend ſuperſedi onino, prout mihi in eodẽ brevi præcipitur.

R. O. Añ Vic'.

Retorna

*Retorn' de Exigent' ubi unus reddit se, &
omnes al' non comparuer'.*

Virtute, &c. Ad Com̃ meum South. ibidem
tenē die Lunæ, viz. x. die A. prædict'
prædict' I. C. & cæteri defend' infranominat'
quinto exact' fuer', ad quē diem præd' I.C. com-
paruit & se reddidit prison' dom̃ regis castri sui
Wiñt' cujus quidē corp' cor' Justic' infrascript' ad
diē & loc' infracont' parat' habeo, put' interius
mihi præcipitur, sed ceteri def. infranom. non
comparuer', ideo, &c. ut supra.

*Aliter ubi unus supersed', al' reddidit se,
al' utl' est, al' wariat' est.*

AD Com̃ meum S. tenē apud G. in Com̃
præd' infranominat' A. B. C. D. E. F. G.
H. sexto die Januarii Anno infrascript' infra-
nōiat. A. B. C. D. E. F. G. H. primo exact' fu-
er' & non comparuer': & ad Com̃ meum ibm̃
tenē tertio die Februarii Anno præd' secundo ex-
act' fuer' & non comparuer': & ad Com̃ meum
ibm̃ tenē tertio die Martii Anno præd' tertio
exact' fuer' & non comparuer': & ad Com̃ meum
ibm̃ tenē primo die April. Anno præd' quarto ex-
act' fuer' & non comparuer': & ad Com̃ meum
ibm̃ tenē xxx. die April' præd' quinto exact' fu-
er', & præd' A. B. ptulit mihi bre' domini Regis
de supersed' huic brevi annex', ideo ulterius ver-
sus eum procedere non potui; & præd' C. D. sese
reddidit in prison' domini Regis, cujus corpus a-
deo languid' sub Custodia mea existit, quod ob
metū

metū mortis ipsius C. D. corpus ejus coram Justic' infrascript' ad diem & locū infracontentē habere non possum; & præd' E. F. & G. H. non comparuer' ; ideo per Judiciū Coronator' domini Regis Com' præd' præd' G. H. utlagat' est & præd' E. F. est waviať

W. S. Ať Vic'.

Languid' in prifona super reddidit se.

Ad com' meum, &c. præd' I. B. comparuit, & se reddidit prifon' domini regis castri sui Winton' infra com' S. præd' & in eadem prifona modo remanet, languidus variis infirmitatibus detent', ita quod propter corporis sui debilitat' & mortis periculum carriari non potest, & ea de causa corpus præd' I. B. coram Justic' infrascript' ad diem & loc' infracont' ad præfens habere non possum juxta form. hujus brevis.

Retorn' de Exigent' ubi unus redd. se, al' profert supersed. tertius mort. & quartus non comparuit.

Virtute, &c. ad Comitāt meum S. ibm' tenē die Lunæ, viz. x. die A. anno præd' I. H. R. S. A. C. & D. P. quinto exact' fuer', & præd' R. S. se reddidit prifon' Dñi regis castri sui Winton' in com' præd', cujus corpus coram Justic' infrasc' ad diem & locū infracontentē parat' habeo ad faciend' id quod bre præd' in se exigit & requirit: & præd' D. P. protulit mihi breve domini regis de supersed' huic brevi annex, ideo quoad eum ulterius procedere non potui: & præd' I. H. mortuus

mortuus est, & præd A.C. non cōparuit: ideo per
judic' I. W. & W. R. coron' Dom̃ regis com̃
præd præd I. H. utlagat & præd A.C. waiviat' est.
R. O. Ar. Vic'.

Retorna de allocat'.

Allocat' illi quatuor com̃ ad quos infranomi-
nat' T. C. exact' fuit & non comparuit. Et ul-
terius virtute istius brevis ad com̃ meum tenē
apud castr. Wint' in com̃ S. infrascr. die Lunæ
viz. viii. die N. anno regni dom̃ regis infrascr
Ang. &c. xv. prædict. T. quinto exact' fuit &
non comparuit; ideo per iudicium, &c. ut supra
utlagat' est.

Aliter sic.

Allocat' quatuor Com̃ ad quos infranominat.
T. C. quarto exact' fuit & non comparuit, modo
ad Com̃ meum tenē apud G. in Com̃ S. viii. die
N. anno infrascripte præd T. C. quinto exact'
fuit & non comparuit: ideo per Iudicium Coro-
nator' domini Regis Com̃ præd utlagatus est.
W. S. Ar Vic'.

Retorna de Exigent. inter duos Vic'.

Virtute istius brevis mihi directi ad comit'
meum S. tenē apud castrum Winton' die Lunæ,
viz. x. die A. anno regni dom̃ regis Ang. &c.
infrasc. xv. infranominat' R. K. primo exact' fuit
& non comparuit.

R. O. Ar Vic'.
Istud

Istud breve prout indorsatur mihi deliberauit fuit per R. O. ar Vic' com' infrasc' prox. prædeces. meum in ejus exitu ab officio, & ad comit' meum South. tenē apud castrum Winton' prædict' in com' præd' die Lunæ, viz. x. die D. anno præd' præd' R. K. secund' exact' fuit & non comparuit, &c. ut supra.

Et si deficiunt coron' ad com' ad reddend' judic' tunc vic' retorn' brevia sua sic, viz. quod ob defect' I. W. & W. R. coron' domini Regis comit' præd' ulterius procedere non potui: and then upon this return the Coroners will be fined for every writ, unless they can make a good excuse.

R. O. Ar Vic'.

Retorna brevis de proclam.

Virtute istius bris mihi direct' ad Comit' meum South. tenē apud Castrum Wint' in Com' South. infrasc' xxi. die Martii anno xi. infrasc' pclam' feci, & ad maxime usuale ostium ecclesie de B. infrasc' super diem dominicum, scil. decimum diē April. an' regn' domini regis infrasc' Angliæ, &c. duod', immediate post divinum servic', nulla prædicat' eadem Eccles. ad tunc ibidem existen', uno mense ad minus antequam infranominat. W. quinto exact' fuit, proclam' feci, & ad general' Session' pacis tenē apud Castrum Winton. prædict' in comitatu prædict' iii. die Maii, anno xii. supradict'. in partibus de B. prædict' al' proclam' feci, quod infranomin' A. B. se reddat mihi put' interius mihi præcipitur.

Ric' M. Mil' Vic'.

Alit'

Alit'.

Virtute istius brevis mihi directi tres sepe-
rales pclamationes feci put istud breve in se
exigit & requirit.

W. S. Añ Vic'.

Alit' brevit'.

Virtute istius brevis mihi directi tribus sepe-
ralibus diebus ad tria sepal' loca inframenconat
publice proclām feci prout interius mihi præ-
cipitur.

W. S. Añ Vic'.

Retorna brevis de cap' utlag' inter duos Vic'.

Quare
whether it
should not
have been
a langui-
dus in pri-
sona.

Ante adventū istius brevis I. M. añ nup Vic'
Com S. cepit infranomin' T. D. & in prisona
domini Regis infrasc' Castri sui Winton' in com
S. præd' penes se detinuit virtute cujusdam brevis
dicti domini Regis de capias utlagat' dicto nuper
vic' direct'. quē quidem T. D. dict' nuper vic'
una cum dicto brevi mihi I. D. mil' modo vic'
Com S. prædict' in ejus exitu ab officio suo deli-
beravit, cujus quidem corpus cum brevi præ-
dict' ego præfat' nunc vic' corā Just. infrasc'
ad diē & locū infracont' parat' habeo ad faciend'
& recipiend' qd' dict. bre in se exigit & requirit.

R. O. Añ Vic'.

Alit'.

Alit' sic.

Virtute istius bñ mihi directi cepi corpus infra-
nominat. T. D. cujus corpus in prifona dñi Regis
apud G. sub Custodia mea ea occasione detent fuit
quousq; p me I. M. Ar nup Vic' com S. cū hoc
bñ deliberat fuit in Custod' W. S. Ar. modo
Vic' Com S. præd in exitu ab officio meo.

I. M. Ar nup Vic'.

Aliter.

Istud bñe put indorsat mihi deliberat fuit una
cum corpore prædict' T. D. p I. M. Ar nup Vic'
Com mei S. in ejus exit' ab officio suo: cujus cor-
pus adeo languid' sub custod' mea existit quod ob
metū mortis ipsius T. D. corpus ejus coram
Justic' infra script ad diē & locū infra contentē
habere non possum put interius præcipit.

W. S. Ar Vic'.

Retorn' brevis original' in partitione.

Pleg. de prof. { Johannes Den,
&
Richardus Fen.

Suñ infranominat R. B. { W. H.
& E. uxor ejus, { I. F.

R. O. Ar Vic'.

Retorn'

Retorn' brevis original' in conventionem.

Pleg. de prof. { I. Doo,
&
R. Roo.

Sum infranom. { I. P.
Den.
Fen.

I. O. Añ Vic'.

Retorn' de sum' in Dote.

Pleg. de prof. { I. Doo,
&
R. Roo.

Sum. infranom { I. H.
I. W.
W. D.

Et ad ostium Ecclesiæ parochialis de P. ubi infranomina A.B. inhabitat, super diem dominicū, scilicet quarto die Julii anno infra script', immediate post divinum servitium, null. prædicatione ad tunc ibi existen', publice proclam feci secund' form' statuti, prout istud bre in se exigit & requirit.

R. O. Añ Vic'.

Aliter in Dote.

Pleg. ut supra.
Sum ut supra.

Et ad maxime usuale ostiū Ecclesiæ Parochialis de P.

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de P. ubi infranōinat. A. B. modo inhabitat, sup diē dominicū, scilē quarto die Julii anno infrascript, immediate post divinum servic' & prædicaconē ibm̄ finit. publice pclam. feci secundū formā Statuti in hujusmodi casu edit' & provisi, pat istud bre in se exigit & requirit.

W. S. Ar Vic'

Retorn' de sum' in vasto.

Pleg. de prof.

{ Johēs Doo,
&
Rich' Roo.

Sum̄ infranom̄

{ L. P.
Williēlm̄ Fen,
Rich' Den.

Et ulterius ego R. O. Ar vic' com̄ infrascript Just. domini regis infrascript certifico, quod post sum̄ præd, scil. x. die A. ann' infrascript existen' die dominico immediate post divinū servic' in Eccles. parochiali de B. infrasc. nulla prædicat' ad tunc ibm̄ existen', apud maxime usuale ostiū Eccles. parochialis illius, infra quā quidem parochiam tenē infrascr̄ jacent & existunt pclam̄ feci sum̄ præd secund' formam stat in hujusmodi casu edit. & provis.

R. O. Ar Vic'.

Retorn' de Pone.

Pleg. de prof.

{ Johan. Doo.
Richard' Roo.

Infranominat A. B.

{ Joh. Den.

Attach. est per pleg' viz.

{ Rich. Fen.

M

Retorne

Retorne de petit Cape in Dower.

Virtute, &c. tali die & anno cepi in manus
domini regis tertiam partem tenementorū infra-
spec' cum pertin' prout inter' mihi præcipit.

R. O. Añ Vic

Return' de Cape in man' per visum in Dote.

Virtute, &c. xi. die Aug. anno infra-
cepi in man' dom' Regis p visum H. R. & T. P.
probo' & legaliū hominū de Com' meo tertiam
partem tenorū infra-script' put interius præcipit

Sum' infranōiat'

{ I. G.
J. Doo,
R. Roo.

W. S. Añ Vic

Retorn' Brevis de visu in Dower.

Justic' infra-script' certifico, quod virtute illi-
us brevis mihi direct' hab' feci infranominat'
A. B. visum de tertia parte tenementorum infra-
spec' in præsent' N. C. R. D. W. B. & C. D.
quatuor Milit' ex illis qui Vis. ill' interfuerunt
Et ulterius Justic. p'dictis certifico, qd' dixi qua-
tuor Milit' præd' qd' sint corā Justic' infra-script'
ad diē & locum infra-content' ad testificand' visum
illum, prout per breve præd' mihi præcept'.

R. O. Añ Vic

Retorn'

Retorn' de sum' de Assis.

Pleg. de prof. { I. Dco,
&
R. Roo.

Infranominat' W. L. nihil habet in balliva mea per quod Attach. potest, nec est inventus in eadem.

Alii' ubi est Attach.

Infranominat' W. L. Attach. est per unam vaccam pretii xxx. s.

If the party appear not, his Coto is forfeit, and the Sheriff shall be answerable for the value: and therefore he had need either to keep the goods attached, or else to have security to be saved harmlesse therein.

Resid' executionis istius b'ris patet in quoda Pannello huic b'ri annex'.

R. O. Ar Vic'.

Nomin' recogn' Assise novæ disseisin' int' M. C. qu. & T. C. tenent', A. B. C. D. &c.

Sum' recogn' præd' { I. H.
& eorum cu juslibet. { R. S.

Retorn' sum' Mil' Parliamenti.

Virtute istius brevis mihi direct' sum feci A. B. Milit' unū Mil' de com' meo gladio cinct. p B. T. & C. R. qd' sit cor' Justic' infrasc' ad diē & locū infracōtent' put istud b're in se exigit & requirit.

F. P. Mil' Vic'.

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Retorn' de Sum' Parliamenti.

Executio istius brevis patet in quibusdam Indenturishuic brevi annex'.

Sum' infranom' { Johannes Doo.
A.B. { Richardus Roo.

Exit _____ xx. s.

F. P. Mil' Vic'.

Retorn' de sum' in Attaint.

Pleg. de prof. { Johan. Den,
&
Richard Fen.

Sum' infranom' { I. N.
Johan. Den.
Richard Fen.

Resid' executionis istius brevis patet in quodam pannello huic brevi annex'.

R. O. Ar Vic'.

Le pannel.

Nomina vigin' & quatuor milit'.

Richardus M. de N. Ar.

T. B. de P. Ar. &c.

Sum' Jur' prædict' H. H.

S. S.

Le petit
Jur.

Nomina Jur' primæ inquisitionis in brevi huic pannello annex' spec'.

E. M. gen'.

H. E. gen' &c.

Pleg' prædict' Jur' primæ Inquisitionis,

{ Thom' Pit.
{ Willelm' Fit.

Retorn'

Retorn' de resumption.

Executio istius brevis patet in quadam scedula
huic brevi annex'.

R. O. Ar Vic'.

Nomina Jur Jur xxiiii Milit unde in brevi
huic scedul' annex' fit menco.

R. M. de N. Ar.

T. B. de M. Ar. &c.

Quilibet Jur Jur xxiiii Milit' prædict' sepe-
ratim resum est per H. R. & M. N. bonos sum.

R. O. Ar Vic'.

Retorn' de Accedas ad Cur'.

Virtute istius br mihi direct' in forma infra-
script' & in plena Cur ill' recordari feci loque-
lam infra-script'. Et recordum illud prout patet
in scedula hic huic bri annex' habeo cor Justic'
infra-script' ad diem & locum infracontent' sub
sigillo meo & sigillis I. B. &c. quatuor probor-
um & legalium hominum de balliva mea ex illis
qui record ill' interfuer. Et partibus infra-scripte
diem illum præfixi, quod tunc sint ibi in loquel'
ill' put justu fuer psecutur put interius mihi
præcipit.

R. O. Ar Vic'.

Al. Retorn' de Accedas.

Virtute istius brevis mihi direct' in forma in-
fra-

infra-script' ad Cur' inframencōnat' Accessi, & in plena Curia illa recordari feci loquelam infra-specificat', & recordum illud (put patet in schedula huic brevi annex',) hab' coram Justic' infra-script' ad diem & locum infracontent' sub sigillo meo & sigill' A. B. C. D. E. F. & G. H. quatuor proborum & legalium hominū de balliva mea ex illis qui recordū ill' interfuer' ; & partibus infra-script' diem illum præfixi, quod tunc sint ibi in loquela illa put justū fuerit prosecutur. prout interius mihi præcipit'.

W. S. Ar Vic'.

Schedula.

B. hndr. M. Ad Cur' Baron' I. T. Ar ibm tent' quarto die Martii anno Regni dñi nostri Caroli Secundi Regis nunc Angliæ, &c. vicesimo primo.

Loquela. ff. A. B. queritur versus S. D. de placito Capconis & injustæ detenconis Averiorum suorum.

W. S. Ar Vic'.

The Stile of the Court Alton.

Richard' T. Mil. ibidem tent' xxx. die Martii, an', &c. recitand' le stile del roy.

I. S. queritur versus W. W. d' pl' caption' & injustæ detention' averiorum suorum.

The Office of a Sheriff.

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*The Bailiffs return of his Warrant
to the Sheriff.*

Virtute istius præcept' mihi direct' accept'
mecum R. S. &c. quatuor discret' milit' Hund'
de A. prædict' accessi ad Cur' R. T. milit' &
recordar' feci loquelam quæ est in eadem Cur' in-
terr' I. S. quer' & W. W. def. & record' illud
parat' habeo sub sigillo meo & sigillis præd' qua-
tuor Milit' ejusdem cur' ex illis qui record' ill' in-
terfuer' ; & partibus prædict' eundem diem præfixi
prout mihi præcept' fuit. In cujus rei testimon'
tam ego R. F. ballivus hundred' præd' quam præd'
R. S. &c. 4 legal' milit' hund' præd' præsent' si-
gilla nostra apposuimus.

R. O. Ar Vic'.

Retorn' de Recordare.

Virtute istius brevis mihi direct' in pleno
com' meo tent' apud Castrum Winton' in com'
Southampt' infra scr' tali die & anno recordari feci
loquel' unde interius fit mentio, quæ quidem lo-
quela patet in quadam scedula huic b'ri annex' ;
& recordum illud hab' coram Justic' infra-
script' ad diem & locum infracontent' sub sigillo
meo & sigillis W. H. E. R. &c. quatuor pro-
borum & legalium Milit' ejusdem com' ex illis
qui record' ill' interfuer' ; & partibus infra script'
diem ill' præfixi quod sint ibidem in loquela ill'
put justum fuerit prosecutur' prout interius mihi
præcipitur.

Resid' exec' istius b'ris patet in quadam scedu-
la huic brevi annex'.

M 4

R. S.

Schedula.

Suff. ff.

Cur Com̄ ibidem tenē die An-
no: 26. Dom̄ Reg. nunc Car.

R. S. queritur versus T. E. de placito capti-
on' & injustæ detentionis averior suorum.

R. O. Añ Vic'.

*Retorn' Levare fac' in Curia Cancellarie
versus exec' de bonis testatoris.*

Virtute istius br̄is mihi directi de bonis & ca-
tallis quæ fuer̄ infranōiat. F. D. tempore mortis
suæ in manibus infranominat' F. executricis præ-
fat' F. D. administrand. levare feci C. li. & x. s.
quos quidem denar̄ coram domino Rege ad diē
infracontent' in Cancellaria sua ubicunque, &c.
infranōiat. N. H. deliberand' parat' habeo prout
interius mihi præcipit'. Et ulterius domino Regi
ibm̄ certifico, qđ diversa alia bona & catalla quæ
fuer̄ ejusdem F. D. tempore mortis suæ in mani-
bus præfat' Francæ administrand' ad valenciā
C. li. & 80. s. in manus meas seiri feci, quæ qui-
dem bona & catalla in manibus meis invendit' p
defect. emptorum adhuc remanent; ideo prædict'
C. li. & 80. s. coram domino Rege ad diē in-
fracontent' ad præsens habere non possum prout
interius mihi præcipit'. Et præterea domino Regi
in Canc' prædict' certifico, quod nulla sunt alia
neque plura bona seu catalla quæ fuer̄ prædict'
F. D. tempore mortis suæ in manibus ipsius Fran-
cæ administrand. in Balliva mea unde resid' de-
biti inframenconat' vel aliquam inde parcell'
levare facere possum.

W. S. Añ Vic'.

Retorn'

Retorn^o de Fieri feci sur fieri fac^o.

Virtute istius brevis mihi direct^o fieri feci de bonis & catallis infranominati I. H. quandam Dimission^o & concessionē eidē I. H. per quendam T. G. Gener^o per Indentur^o suā fact^o pro termino xxxi. annorum incipiend^o à primo die Julii, An^o &c. infrascript^o secundo, put per Indenturam illā geren^o dat^o eisdem die & anno plenius liquet & apparet, de & in uno mesuagio sive firma cum pertinentiis situat^o, jacent^o & existent. in L. in parochia de F. infra ballivam meam, vocat^o sive cognit^o per nomen de B. simul cum omnibus & singulis terr^o, pratis, pascuis, boscis, subboscis, aquis & pasturis, cum omnibus suis pertinentiis, situat^o, jacent^o & existen^o infra vill^o paroch. & campos de F. prædict^o & O. scilicet in ball^o mea. Et prædict^o Dimissionem, ac omne & totum jus, statum, titulum, terminum annorum, possessionem & demand^o quæ prædict^o I. H. modo habet de & in prædict^o præmissis virtute sive vigore ejusdem Dimissionis & concessionis aut aliter, vendition^o exposui & vendidi cuidam P. H. generos. pro summa lxxvi. libr^o xiiij. s. iiij. d. Ac etiam fieri feci de aliis bonis & catallis prædict^o I. H. ad valenc. lxx. li. vi. s. viij. d. Quas quidem denar^o summas sic in form^o præd^o per me levat^o in toto se attingunt ad sum^o Cxxxij. li. xij. d. Et easdem summas coram domin^o rege ad diem & locum infracont^o parat^o habeo ad reddend^o infranom^o E. P. & I. uxor^o ejus in pte satisfact^o dāpnorum infrascript^o, put p^obre istud interius mihi præcipit. Et quod præd^o I. H. nulla alia sive plura bona aut catall^o

The Office of a Sheriff.

catall. in balliva mea habet, unde resid̄ præd̄ deb. 165. li. 6. s. 2. d. ad præsens fieri facere possum secund̄ exigent̄ hujus brevis.

R. O. Añ Vic'.

Aliter Jur Nihil habet.

Infranoim R. B. mil' null' habet bona seu catall' terr̄ aut tenement̄ in balliva mea unde denar̄ infraspec' nec aliquam inde pcell' fieri facere possum prout interi' mihi præcipit̄.

R. O. Añ Vic'.

Aliter Jur Fieri facias execut' & vendition' expos.

Virtute istius brevis mihi directi fieri feci de bonis & catall' terr̄ & tenement̄ infranominat̄ R. B. ad valenc' CC. li. & ill' de die in diē vendition' exposui, & inde vendidi ad valenc' C. li. quas quidem centum libr̄ ad diem & locum infracentent̄ parat̄ habeo ad reddend̄ infranominat̄ I. W. prout interius mihi præcipit̄. Et resid̄ bonor̄ & catall' præd̄ adhuc penes me remanent invendit̄ ob defect' emptorum.

R. O. Añ Vic'.

Nota, that notwithstanding the goods remain in the Sheriffs hands for want of buyers, yet he stands charged with the whole value he returned the goods at without any abatement.

Retorn.

Retorn' Fi. fe. dampn' de bonis propr.

Justic' infrascr' certifico, quod virtute istius brevis mihi directi fieri feci de bonis & catallis infranōiat I. C. p'priis x. li. p' dampn' inframen-
conat, & ulterius Justic' prædict' certifico, quod prædict. I. C. nulla habet bon. seu catall' quæ fuer' infranōiat A. B. tempore mortis suæ in ma-
nibus suis administrand' in Balliva mea unde debitū infrascriptū vel aliqu' inde denar' fieri facere possum.

W. S. Ar Vic'.

Retorn' Fi' fa' cum mandav. Ballivo Libertat'.

Pro executione istius brs mihi direct' fiend' mandavi Ballivo Libertat' hundred' de B. in Com' meo, qui plen' habet execuconem omniū breviū & Warrant' executab' infra eandem libertatem & retorn' eorundem; infra quam quidem liberē executio brevis totalit' restat fiend'. Qui quidem Ballivus scilicet R. C. Ar mihi respond' qd' fieri fecit de bonis & catall' infranōiat. W. R. ad valenē debīt & dampn' infrascr'; & quod bona & catall' ill' de die in diem vendicōn' exposuit, & inde vendidit ad valenē lx. li. & quod denar' ill' coram dño Rege ad diem & locum infracentē ad reddend' infranōiat N. C. in parte satisfaction' prædict' N. de debīt & dampnis prædictis parat' habet, prout interius præcipit'; Ac quod resid' bon. & catall' præd' adhuc reman' in manibus suis pro defect' emptorum invendit'.

W. S. Ar Vic'

Retorn'

Retorn³ de Vastavit sur Fi³ fa³.

Infranōiat^r Thomas & Alicia nulla habent bona seu catalla in Balliva mea de bonis & catallis suis propriis unde dampna x. li. infra script^r vel aliquem inde denar^r ad præsens fieri fac^r possum. Et ulterius Justic^r infra script^r certifico, quod prædict^r Thomas & Alicia executrix testī infranōiat^r W. C. bona & catall^r quæ fuer^r ejusdem W. C. tempore mortis suæ penitus devastaver^r, sic quod debitum xxviii. li. inframenconat^r nec aliquam inde pcell^r de bonis & catallis quæ fuer^r prædict^r W. tempore mortis suæ fieri fac^r non possum.

W. S. Ar^r Vic^r.*Retorn³ de Vendicioni exponas.*

Virtute istius brevis mihi direct^r divers. pcell^r bonorum & catallorū inframenconat^r ad valenc^r vi. li. vendidis quos quidem denar^r coram domino Rege ad diem & locum infra content^r ad reddend^r infranōiat^r E. P. parat^r habeo, prout interius præcipit^r; resid^r bonorum & catallorum prædict^r in manibus meis penes me adhuc pro defectu emptorum invendit. remanent. Et ulterius domino Regi certifico, quod infranominat^r T. P. nulla habet alia neque plura bona seu catalla in balliva mea unde resid^r debet. & dampnorum infra specificat^r vel aliquem denar^r inde fieri fac^r possum.

W. S. Ar^r Vic^r.*Retorn³,*

*Retorn' special' Fi' fa' cum sci. feci &
Inquisition'.*

Infrāñiat' I. M. nulla habet bona seu catalla in Ballivā mea quæ fuer' infrāñiat' R. M. testator tempore mortis suæ unde debitū infraſcript' vel aliquem inde denar' fieri fac' possum, neque habet aliqua bona seu catalla de bonis & catallis suis propr' in balliva mea unde dampna infraſcr' vel aliquam inde pcell' ad præſent' fieri fac' possum. Ac ulterius Justic' infraſcr' certifico, quod p H. C. & G. W. ppos & legales homines de Ball. mea ſcir' feci præſat' Johān quod ſit coram Justic. prædict' ad diem & locum infracontent', ad ostendend. ſi quid, &c. prout interius mihi præcipit'. Reſid' execuconis iſtius brevis patet in quadam inquisitione huic brevi annex'.

W. S. Ar' Vic'.

Inquisitio, &c. Qui dicunt ſuper ſacramentum ſuum, quod I. M. vid. exec' teſtī R. M. testatoris in brevi prædict. nominat' diverſa bona & catall. quæ fuer' præd' R. M. tempore mortis suæ in manibus prædict. I. M. adminiſtrand', ad valenc' debiti & dampnorum in eodem brevi menconat', vendidiſſet, elongaſſet, devaſtaſſet, ac in uſum ſuum propriū convertiſſet. In cujus, &c.

Scir' fac' verſ. terr' tenen.

Virtute iſtius brevis mihi direct' p E. C. & L. F. probos & legales homines de Balliva mea ſcir' fec' I. H. terr' tenen' unius Meſuagii vocat' le

Null. bon.
retorn.
quia aliqui
eorum
non fuer.
tenen. in
feod.

le Brickhouse viij. acr̄ terr̄ & ix. acr̄ past. cum
ptiñ in E. in Com̄ meo, ac Joh̄ P. al' terr̄
tenent̄ unius Mesuagii vocat̄ le Greenhouse
xl. acr̄ terr̄ & xxx. acr̄ past. cum ptiñ in E. præd̄,
ac H. L. terr̄ tenent̄ un' al' Mesuagii vi. acr̄ terr̄
vi. acr̄ prati & x. acr̄ past. cum ptiñ in E. præd̄,
quæ fuer̄ terr̄ & ten' infranominat̄ F. C. unde
idem F. Cole fuit seīt in dominico suo ut de
feod̄ tempore reddiōnis Judicii inframenconat̄
& postea; ita quod sint coram domino Rege ad
diem & locum infracontent̄ ad ostendend̄ si
quid, &c. ꝑut interius mihi præcipiūt. Et ulte-
rius domino Regi certifico, quod non sunt ali-
qui alii terr̄ tenent̄ nec aliquis alius terr̄ te-
nens est aliquarum aliarum terrarum sive teno-
rum quæ fuer̄ prædict' F. C. prædicto tempore
reddiōnis Judicii præd̄ seu postea in Com̄ meo
cui vel quibus sci'r̄ fac' possum.

W. S. Ar̄ Vic'.

Scire fac' versus hered' & terr' tenent'.

Virtute istius brevis mihi direct' per W. D.
& R. R. ꝑbos & legales homines de Balliva mea
scire feci E. L. gen̄ heredi & tenen' Capital'
Mesuagii cum ptiñ vocat̄ Troston Hall 315
acr̄ terr̄ 225 acr̄ prati & pastur̄ cum ptiñ in
T. ac unius Mesuagii cum ptiñ in occupaōne
I. W. un. al' Mesuagii cum ptiñ in occupaō-
ne I. M. sive assign' suorum, un. al' Mesuagii
cum ptiñ in occupaōne L. L. sive assign' suo-
rum, ac un. al' Mesuagii cum ptiñ in occu-
paōne prædict' E. L. sive assign' suorum, quæ
fuer̄ terr̄ & tenementa infranominat̄ I. L. unde
idem

idem I. L. fuit seſt in dominico ſuo ut de feod^o tempore reddiſonis Judicii inframenſonaſ & poſtea; ita quod ſint coram domino Rege ad diē & locum infracontenē ad oſtendend^u ſi quid, &c. put interius mihi præcipiſt. Et ulterius domino Regi certifico, qd' non aliqui alii terſtenenē ſunt nec aliquis al' terſtenens eſt aliquarum aliarum terrarum ſive teñtorum quæ fuer^u prædict' I. L. prædicto tempore reddiſonis Judicii prædict' ſeu poſtea in Com^o meo cui vel quibus ſciſ facere poſſum.

W. S. Aſ Vic'.

Scir' fac' ubi nulli ſunt tenent' &c.

Juſtic' domini Regis infraſcript^o certifico, quod nulli ſunt tenentes nec aliquis tenens eſt aliquarum terrarum ſive teñtorum quæ fuer^u prædict' I. S. primo die Octobris Anno Domini 1659. infraſcript^o vel unquam poſtea, nec aliqui ſunt dñi vel aliquis eſt dominus de quibus vel de quo hujuſmodi terſ ſive tenementa mediate vel immediate tenenē in Balliva mea quibus vel cui ſciſ fac' poſſum juxta exigent^u iſtius brevis.

W. S. Aſ Vic'.

Retorn' de Tarde.

Iſtud brē adeo tarde mihi deliberaſt fuit, ita quod propter temporis brevitat^{is} exequi non potui put iſtud breve in ſe exigit & requirit.

R. O. Aſ Vic'.

Retorn'.

*Retorne speciall sur Habeas corpus.**Schedula.*

Ego R. O. A^r Vic' com' S. domino Regi ad diem & locum in brevi huic schedul' annex' content' certifico, quod ante advent. ejusd' brevis A. O. in dict' brevi nomⁱn cap^t fuit infra com' præd' p W. V. a^r nup' vic' com' præd' & in pris. dict' domⁱn regis Castri sui Winton' in comitatu prædict' salv. custod' ejusdem nup' vicec' detent' virtute cujusdam brevis dicti domⁱn regis de capiend' versus dict' A. geren' test' apud Westm' nono die Oct. annⁱ regni, &c. & retorn' coram Just. dicti domini regis apud Westm' die sancti Martini in quind. dies tunc prox. sequen' ad satisfaciend' T. D. gene^r tam de quodam deb. xl. li. quam de xxx. s. pro dampnis unde idem A. coram præf. Justic' apud Westm' convictus fuit: cujus quidem A. corpus sic cap^t & in prisona præd' sub custod' dicti nuper vic' ea occasione existen' detent' ego præf. R. O. nunc vic' com' præd' recepi de præd' nuper vic' in ejus exitu ab officio suo, & corpus ejus per me de præfat' nuper vic' sic recept' in prisona præd' salvo custod' feci, quousque postea, scil. decim' die Decemb. annⁱ, &c. recepi quoddam bre^v dicti domini regis de supersed' mihi direct', cujus quidem brevis tenor sequit' in hæc verba; Jac'. &c. Virtute cujus quidem brevis de supersed', pro eo quod non fuit aliqua causa detentionis præd' A. dict' A. ad largi ire p^rmissi dict' breve de capiend' ad satisfaciend' in aliquo non obstante, prout per dict' breve de supersed' mihi inde præcipitur: ideo corpus p^rd' A. coram

coram præfat dom̃ rege ad diem & locum in dict. brevi huic scedul' annex. content parat hēre non possum, prout idem breve in se exigit & requirit:

R. O. Ar Vic.

Alias.

Ante advent istius brevis mihi direct. infra-nomiñ H. H. commissus fuit Gaolæ dom̃ regis Castri sui Winton in com̃ infraſcr̃ sub custod̃ mea virtute cujusdam war̃ F. C. & I. W. duor̃ Just. dict' dom̃ regis ad pacem in com̃ prædict' conservand̃, necnon ad divers. feloñ, transgr̃ & alia malefact' in eodem com̃ ppetr̃ audiend̃ & terminand̃, assigñ, gereñ dat tertio die A. añ infraſcr̃, pro quibusc̃ transgr̃ & contempt̃ contr̃ formam statuti pro punitione vagabund̃ & pro pauper. & impotenc' edit. Et hæc est causa captio-nis & detentionis ipsius H. & non al' : corpus tamen præd̃ H. ad diem & locum infracontent̃ parat habeo, prout interius mihi præcipit.

R. O. Ar Vic.

Alias.

Ego R. O. Ar Vic' com̃ S. Just. infraſcr̃ cer-tifico, quod corpora R. T. & ceter. def. infrano-miñ p me non capti fuer̃, sed p W. V. Ar nuper vic' com̃ præd̃ prædecessor̃ meum, & mihi per ipsum minime delibera't in exit̃ ab officio suo. Ideo corpora eorum coram Justic' infraſcript̃ ad diem & locum infracontent̃ habere non possum, prout interius mihi præcipitur.

R. O. Ar Vic.

N

Aliter

Aliter sur languidus.

Justic' dom' regis certifico, quod infranominat' I. B. adeo languidus in prisona domini Regis Cestri sui Winton in com' South. variis infirmitat' detent' est, ita quod propter corporis sui debilit' & mortis periculum ipsum tute remove non possum, ideo corpus ejus coram Justic' infra sc' ad diem & locum infra content' ad præsens habere non possum juxta formam hujus brevis.

R. O. Ar Vic'.

Domino Regi humillime certifico, quod ante advent' istius brevis corpus infranominat' R. T. fuit sub salva custod' mea in executione ad fec' T. B. p C. li. virtute brevis domini Regis de capias ad satisfaciend' retornabil' coram Justic' dñi Regis apud Westm à die sancti Michaelis in un' mensem, ideo corpus ejus ad diem & locum infra content' habere non possum, pat' interius mihi præcipit.

W. S. Ar Vic'.

Retorn' Mandavi Ballivo alit'.

Pro executione istius brevis mihi direct' fiend' mandavi Ballivo libertatis sancti Etheldred' in com' meo, qui plen' habet executionem omnium brev' & Warrant' executabil' infra eand' libertatem & retorn' eorund', infra quam quidem libertatem executio istius brevis totalit' restat fiend'. Qui quidem ballivus, scilicet T. G. Ar, mihi respondet.

spondē, quod cepit corpus infranominat I. B. cuius quidem corpus coram Justic' infrascriptū ad diem & locum infracontentū paratū habet, prout istud breve in se exigit & requirit.

W. S. Ar Vic'.

Alias.

Ego R. O. Ar Vic' comitat S. domino Regi certifico, quod corpus infranomin R. T. ante adventum istius brevis fuit sub salu. custodē mea in executione ad sect' T. B. p C. li. virtute bris domini Regis de capias ad satisfaciendū retorn' coram Justic' domini regis apud Westmon. à die sancti Michaelis in unum mensem, ideo corpus ejus ad diem & locum infracontentū habere non possum, p'ut interius mihi præcipitur.

R. O. Ar Vic'.

Retorn' de Mandavi ballivo libertatis.

Virtute istius brevis mihi directi mandavi ballivo libertatis Thomæ Episcopi Winton. ad capiendū & arrestandū infranomin. I. S. in forma infrascriptū, qui plenum habet retorn' omnium brevium & præceptorum & executionum eorundem infra libertatem prædictā, ac quod nulla execut' istius brevis p me fieri potest infra eandem libertatem. Qui quidem ballivus nullum mihi dedit responsum; si persona sit capta tunc, Qui quidem ballivus mihi respondē, quod cepit corpus infranomin I. S. cujus quidem corpus ad diem & locum infracontentū parat. habet

The Office of a Sheriff.

ad fac' ea omnia quæ istud breve in se exigit & requirit.

R. O. Añ Vic'.

Retorn' brevis de restitution'.

Virtute istius brevis mihi direct' tali die & anno, & c. infrascript' tenement' infrascript' cum pertin. reseisivi, & infranominat' T. & H. plenam p. fession. & seisin, inde restitui, prout interius mihi præcipitur.

R. Añ Vic'.

Retorn' de Habere fac' possession' cum fieri fac'.

Virtute istius brevis mihi direct' vicesimo quarto die Maii anno infrascript' habere feci infranominat' H. H. possessionē termini sui infrascript' de tenementis infrascript' cum pertinentiis, ac etiam fieri feci de terris & catall' infranominat' W. W. xx. s. pro dampnis infrascript', & denarios illos habeo cor' Justic' infrascript' ad diem & locum infrascript' ad reddend' præf. H. H. prout interius mihi præcipitur.

R. O. Añ Vic'.

Retorn' brevis de seisin'.

Virtute istius brevis mihi directi xxvi. die O. anno infrascript' habere feci infranominat' N. S. plenam seisin. de & in tenementis infrascript' cum pertin., prout interius mihi præcipitur.

R. O. Añ Vic'.

Retorn'

Retorn' brevis de seifina in dote.

Execut' istius brevis patet in quadam Scedula huic brevi annex'.

Justic' domini regis certifico, qd' virtute brevis domini regis mihi directi & huic scedul' annex' decimo die A. anno, &c. habere feci P. B. vid' in brevi prædict. nominat' plenar' seisin. de tertia parte manerii de B. cum pertinentiis in eodem brevi specific' viz. de una aula & coquina, de duobus spaciis in tenura dict. I. cum liber ingressu & regressu ad & ab eisdem, necnon superior' part' domus mansional' in tenura E. C. ab introitu versus Austr', ac de uno clauso seperali vocat' H. continen. per æstimat' quinque acr., ac de quatuor acr. pastur' jacen. in boreal. sine unius clausi voc' B. & de una acr. pastur' voc' C. in bñi prædict spec. Tenend. præf. P. B. in seperalitate per metas & bundas, nomine totius dotis ipsius P. ipi contingen. de toto manerio in dicto brevi spec', prout per breve prædict mihi præcipitur.

R. O. Añ Vic'.

Aliter de seifin' in dote.

Virtute istius brevis mihi directi i. die Marcii anno infrascript' habere feci infranoinat' E. M. plenar' seisinam suam de tertia parte tenentorum inframenconat' cum pertin. (videlicet de una pecia prati continen. per æstimationem vii. acr. jacen. & existen. in W. infrascript' inter Regiam viam ducent. à villa de F. in com' meo usque Pon-

tem vocat D. bridge ex parte boreal. & terr̄ vocat S. ex parte Austral. cujus unum caput abutit sup Communem viam vocat H. versus Occiden, ac etiam de pecia pastur̄ aliquando vocat le Hempland, continen' per aestimationem un' ac' jaceñ int̄ partem prati prædict' in W. prædict' ex parte boreal', & quoddam clausum vocat le Carte close ex parte Austral', cujus unum caput abuttat sup p'dict. clausum vocat S. versus Occiden', Tenend' eidem E. M. in sepealitat' p' metas & bundas prædict', put interius mihi præcipit. Resid' executionis istius brevis patet in quadam Inquisitione huic brevi annex'.

Inquisitio, &c. per sacm̄ I. D. &c. proborum & legalium hominum, &c. Qui dicunt super sacm̄ suum, quod tertia pars tenitorum in prædicto brevi mentionat' valet per Annum in omnibus exit' ultra repris. x. li. In cujus, &c.
W. S. Ar̄ Vic.

Retorn' brevis de Coronator' eligend'.

Ad Com̄ meum S. tenē apud G. tali die & anno infrascript' in pleno com̄ meo de Assensu ejusd' com̄ in loco infranominat' F. M. (qui languid' & senio confract' est) prout interius fac' mencio eligi fec' coron' scilicet I. V. gen', qui put mos est sacm̄ præstitit corporale, quod ipse extunc ea fecerit & cōservaverit quæ ad officium coronatoris p'inent ad exercend' in Com̄ prædicto, prout interius mihi præcipit.

W. S. Ar̄ Vic.
Summon

Summons in Quare impedit.

Pleg. de prof. { Johēs Doo,
&
Ricūs Roo.

Sum̄ infranominat̄ E. episc. { R. S.
Norwici & Jacobi F. { H. W.

Et ad maxime usuale ostium Ecclesiæ de W. Quere
infrascriptat sup diem dominicum, scil̄t tali die whether
& anno infrascript, immediate post divinum ser- such pro-
vitium & prædicat, ibm publice proclam feci clamation
secundum formam Statuti, prout istud breve in se be need-
exigit & requirit. full.

W. S. Ar Vic.

Retorn de Venire fac.

Executio istius brevis patet in quodam pan-
nell huic brevi annex.

R. O. Ar Vic.

A. B. de E. gen. & sic xxij. al.

Le pannel.

Quilibet Jur præd per se { I. Doo.
seper attach. est per Pleg. { R. Roo.

R. O. Ar Vic.

Retorna distr. Fur.

Executio istius brevis patet in quodam pannel. huic brevi annex'.

Le pannel.

Nomina Jur̄ int̄ A. B. quer̄ } I. K. de L.
E. C. def. de placito transgr̄. } M. N. de O.

& sic ad numerum xxiiij.

Quilibet Jur̄ præd̄ } I. Doo.
Attach. est per pleg. } R. Roo.

Exit eorum cujuslib. — x. s.

R. O. Añ Vic.

Retorn' de Ca. ad sat'.

Virtute istius brevis mihi direct. cepi corpus infranominat̄ A. B. cujus quidem corpus coram Justic' infra scrī vel coram dom̄ reg. ad diem & locum infracont̄ parat̄ habeo ad satisfaciend̄ infranominat̄ C. D. de debīt & dampnis infra spec̄, prout interius mihi præcipitur.

R. O. Añ Vic.

Aliter sur Ca. sa'.

Virtute istius brevis mihi direct. cepi corpus infranominat̄ A. B. cujus quidem corpus coram Justic' infra script̄ ad diem & locum infraconten̄ parat̄ habeo, prout interius mihi præcipit. Vel potius aliter, videlicet, cujus quidem corpus adeo languid̄ in prisona sub custod̄ mea existit, quod ob metū mortis ipsius A. B. corpus ejus coram Justic. infra script̄ ad diem & locum infraconten̄ habere non possum, prout interius mihi præcipit.

W. S. Añ Vic.

Retorn'

Retorn' Distr. cum decem tales.

Justic' infrascripto certifico, quod istud breve adeo tardè mihi deliberat' fuit quod ob brevitatem temporis Juratores infrascripti debito modo distringere nō possum. Resid' executionis istius brevis patet in quodam pannello huic brevi annex'.

W. S. Ar Vic'.

Nomina Jur' de novo apposit' secundum exigenc. brevis dom' Regis huic pannel. annex' int' partes in eodem brevi menconat'.

A. B. de D. gen.

C. D. de F. gen.

ad numerum decem.

Quilibet Jur' prædict. seperat' p se Attach. est

p Pleg'. { Johēm Doo,
 &
 Ricm Roo.

W. S. Ar Vic'.

Retorn' de Elegit.

Executio istius brevis patet in quadam Inquis. huic brevi annex'.

Inquisitio Indenta' capt' apud B. in Com' p'd x. die anno, &c. coram me R. O. Ar Vic. com' præd' virtut' brevis dom' regis mihi directi & huic Inquisic. annex. per sacrm T. B. &c. & sic xii. plur' ad minus, qui dicunt super sacrament' suum,

suum, quod B. C. in brevi prædⁱ nominat tali die
 & añ, &c. fuit seisi^t in dominico suo ut de feodo
 de & in uno mesuagio voc^o, &c. cum pertinen.
 jacen. & existen. in civitat^e Wint^e prædict^e. modo
 in occupatione A. G. vid^e clari annui valoris in
 omnibus exitibus ultra repris. xl. s. ac etiam de &
 in uno gardino cum pertin. voc^o, &c. in civitat^e
 & comit^u prædⁱ clari annui valoris in omnibus
 exitibus ultra repris. xx. s. ac etiam de & in uno
 alio mesuagio cum pertinen. in comitat^e & civi-
 tate prædict^e. situat^e, jacen^t & existen. prope
 templum ibid^e voc^o **Saint Clem. Church**, nuper
 terr^e cujusdam R. A. defunctⁱ, modo in occupa-
 tione B. C. vel assign. suorum, simul cum omni-
 bus gardinis & edificiis eidem mesuagio spectan.
 five pertinen. clari annui valoris in omnibus
 exitibus ultra repris. v. li. ac etiam de & in uno
 alio mesuagio vocat^e, &c. in civitate & comitatu
 prædict^e. in tenura prædict^e. B. C. clari annui va-
 loris in omnibus exitibus ultra repris. decem so-
 lid^a: quæ omnia & singula prædⁱ B. C. nuper
 perquisivit sibi & hæredibus suis de quibusdam
 N. S. & Alⁱ uxore^m ejus un^{am} filiarum E. cohæred^e
 prædⁱ R. G. Quod quidem mesuag^u in tenura prædⁱ
 B. C. una cum gardino eidem mesuagio jacen. &
 spectan. cum omnibus & singul. suis pertinen.
 pro medietat^e omnium terr^e & tenement. prædⁱ
 ego præfat. vic^o deliberari feci R. S. in brevi
 prædict^e nominat. Tenend^u sibi & assign^{is} suis juxta
 formam statuti inde provis. ut liber^e ten^t suum
 quousque debitum suum C. li. una cum xv. s. pro
 dampnis suis in brevi prædⁱ mentionat. plen^e
 inde levaver^{it}, prout breve prædict^e. in se exigit &
 requirit. Et ulterius Jur^e prædict^e. super sacra-
 mentum

mentum suum prædict. dicunt, quod prædictus B. C. nulla alia five plura habet, seu die recogn' deb. prædict. habuit, bona aut catall' terē five tenē. in comitatu prædicto ad eorum notitiam. In cuius rei Testim' tam ego præfat. vic' quam Jur' prædict. huic Inquis. sigilla nostra alternatim apposuimus die & loco supra, &c.

R. O. Añ Vic'.

Retorn' de extent' sur Statut'.

Virtute istius brevis mihi direct. cepi corpus infranominat' W. W. cuius quidem corpus ad diem & locum infracontent' parat' habeo, put interius mihi præcipitur.

Resid' execu' istius brevis patet in quadam Inquisic' huic brevi annex'.

R. O. Añ Vic'.

Inquisic' Indenta' capē apud civitat. Winton. in com' prædict' xii. die Januarii an', &c. coram me R. O. Añ Vic' comitat. prædict' virtut' brevis dom' regis mihi direct' & huic Inquis. annex' per sacrament. T. B. &c. ut supra, Qui dic' super sacm' suum, quod W. W. in brevi prædict' nominat' die recogn' deb. in eodem brevi spec' fuit seisit' in dominico suo ut de feodo de & in manerio de A. in Com' p'dict' clari annui valor' in omnibus exit. ult. repris. C. li. ac de & in manerio de C. in com' prædicto clari annui valor' in omni exit ult. repris. C. li. Et ulterius Jur' prædict' sup sacm' suum prædict' dic' qd' præd' W. W. die recogn. deb. prædict. seu unquam

quam postea nulla habuit bona seu catall' neque al' sive plur' terr' sive ten't. in com' prædict. ad eorum notitiam quod extend', appreciari, aut in manus dict. dom' Regis capi aut seisciri possint. Quæ quidem maneria, terr' & ten't. prædict. cum pertinen. ego præfat. vic' die caption. hujus inquisitionis cepi in manus dict. domini regis per extent, prædict'. In cujus rei Testim' tam ego præfat. vic' quam Jur' prædict. huic Inquis. sigilla nostr' alternatim apposuimus die anno & loco suprad', &c.

R. O. Ar' Vic'.

Aliter.

Inquisitio, &c. p'borum & legalium hominum de balliva mea, qui dicunt super sacrm suu' prædict. quod I. P. in brevi prædicto nōia't (tali die & anno) se'it fuit in dominico suo ut de feodo de & in maner' de M. cum pertinen. in com' meo S. clari annui valoris in omn' exit' ultra repris. xx. s. ac de & in uno Capit' mesuagio cum pertinen' vocat' C. in Com' prædicto, ac de xx. acr' terr' x. acr' prati lx. acr' past. & xvi. acr' bosci cum pertinen' eidem mes. spectan' sive pertinen' jacen' & existen' in H. in com' meo prædict' clari annui valoris in omnibus exit' ultra repris. xl. li. Et Jur' prædict' ulterius dicunt super sacrm suu', quod prædict' I. P. nulla habet al' sive plura maner', terr' sive tenementa in com' meo p'ter & ultra maner', terr' & ten'ta in hac Inquisitione b'ri prædicto annex' men'conat' seu aliqua bona seu catalla ad notic' Jur' p'dictorū. Quæ omnia & singula maneria, mes. terr' prat' pastur' & bosci prædict'.

dict' ego præsāt vic' virtute dicti brevis dicti
dom' Regis huic Inquisitioni annex' extendi & in
man' dom' Regis seifiri feci, secundum tenor' &
exigenc' brevis pradiet'.

W. S. Ar Vic'.

Retorn' de recogn' extra Cancellar'.

Executio istius brevis patet in quadam In-
quis. huic brevi annex'.

Inquis. &c. ut sup'r, qui dic' super sacram suū
quod E. M. in brevi præd' nominat die capt' hujus
Inquis. fuit possessionat' de diversis bonis & ca-
tallis sequen', viz. de frument' vocat' *Wpe* ad va-
lenc' x. s. de hordeo ad valenc', &c. & de qui-
busd. utensiliis vocat' *Household-stuff* ad valenc'
&c. Quæ quidem bona & catalla ego præsāt vic'
liber' feci præsat R. per præc' prædict' prout p
breve præd' mihi præcipitur. Et ulterius Jur
præd' super sacrament' suum præd' dic' quod præd'
E. die recogn' deb. in eodem brevi spec' seu un-
quam postea null' alia sive plura habuit bona aut
catall' terr' neque tenement' in com' præd' quæ
R. W. in eodem brevi nom' liber' fac' possum. In
cujus rei Testim', &c. ut supra.

R. O. Ar Vic'.

Aliter.

Inquisitio, &c. p'horum, &c. Qui dicunt su-
per sacram suum quod F. H. in brevi prædicto
nominat die captionis hujus inquisitionis posses-
sionat' fuit de diversis bonis & catallis in scedul'
huic

huic brevi annex' menconat'. Quæ bona & catal-
la ego præfat' vic' liberari feci infranominat'
R. G. hēc d' sibi ut bona sua propria in parte satis-
faction' debiti in eodem brevi menconat', prout
breve prædictum in se exigit & requirit. Et Jur'
prædict' ulterius dicunt super sacm' suum, quod
præfat' F. H. tempore recogn' prædict' F. H. in
eodem brevi menconat' scilicet (tali die & anno)
fuit in dominico suo ut de feod' de & in ma-
ner' de W. in C. in Com' meo prædicto cum p-
tin', ac de & in reddit' Assiarum eidem maner'
spectan' ad valenc' xx. s. ac de & in uno Capit'
mesuag' vocat. W. Hall cum pertiñ C. ac terri
xl. ac prati Cx. ac past. & vi. ac bosci cum per-
tin. eidem mesuagio pertiñ. clari annui valoris in
omnibus exit' ultra repris. C. li. modo vel nuper
in occupatione I. W. sive Assign' suorum; Ac
quod prædictum Maner' ac reddit' Assiarum præ-
dict' & prædict' C. ac terri sunt medietas om-
nium maner' terr' & tenentorum prædictorum, ac
sunt clari annui valoris in omnibus exit' ultra re-
pris. L. libr. Quam quidem Medietatem ego
præfat' vic' die captionis hujus Inquisitionis per
rōnabile pretium & extent' prædict' in præsen-
tia prædict' F. H. R. G. in prædicto brevi sili-
ter nōiat liberari feci, tenend' sibi & Assign' suis
ut liberum tenentum suum quousque debm' CC. li.
in eod' brevi menconat' plenarie inde levat' fuit
secundum formam Statuti in hujusmodi casu edit'
& provis. Ac etiam ulterius dicunt super sacm'
suum, quod prædictus F. H. nulla hab' alia sive
plura terr' sive tenemēta tempore recognitionis
prædict' hucusque, neque habet aliqua alia
bona

bona seu catalla in Balliva mea ad notic² Jur²
prædictorum. In cujus, &c.

Retorn² de breve de vast².

Execut² istius brevis patet in quadam Inquis.
huic brevi annex².

Inquis. &c. Qui dic² super sacramentum suū South,
præd², quod H. A. & I. uxor ejus in dicto brevi
nominat² fecer² vastum, venditionem & destructio-
nem in omnibus in eodem brevi spec², viz. per-
mittend² unam aulam pretii xxx. s. duas cameras
pretii iij. li. unum stabulum pretii vigint² sol² d²
esse discoopert² ita quod pro defect² reparationē
earundem domorum & per tempestates pluvia-
les super ill² descendent² devener² putrid. &
corrupt², &c. contra form² provisionis in eodem
brevis content². Et ult² Jur² prædict² super sa-
crām suum præd² dic² quod præd² A. & I. aliud
neque plus vastum, vendition. seu destructionem
fecer², vel aliquis eorum fecit, in domibus præ-
dict². In cujus rei Testim², &c. ut supra.

R. O. Añ Vic².

*Retorn² brevis ad inquir² de dampnis in dote,
ubi tenens obiit seifitus.*

Executio, &c. ut prædict. est.

Inquisitio, &c. Qui dic. super sacrām suum, South.
quod infranominat. W. K. quinto die Janua. ii
anno, &c. apud K. in com² prædict. obiit seifit.
in dominico suo ut de feodo de & in tenementis
infra-

infraspēc', & quod tēnt. prædict. sunt clari annui valoris in omnibus exitibus ult. repris. xx. s. Et quod sex anni & tria quaternia unius annide labantur à tempore mortis prædict. W. K. Et quod infranom I. D. sustinuit dampna occasione dotis suæ infraspēc. ad valenc. xl. s. In cuius rei Testim, &c. ut sup.

R. O. Añ Vic.

Aliter in transgr'.

Executio, ut supra.

South.

Inquisitio, &c. Qui dic. super sacrm suum quod W. B. in dicto brevi nominat. sustinuit dampn. occasione transgr. in eodem brevi spec. ad xx. s. ultra mis. & custag. sua p ipsū circa sectam suam in hac parte expens. Et pro mis. & custag. suis assidunt xl. s. In cuius, &c.

Retorn' de scire fac' scire feci.

Virtute istius brevis mihi direct' per A. B. & C. D. probos & legales hoies de balliva mea scire feci infranominē A. D. quod sit coram Justic' domi Regis, vel coram domi Rege, vel coram Baroni domi Regis, ad diem & locum infracontent, ad ostendend. & pponend' si quid p se habet vel dicere sciat quare, &c. according to the matter contained in the writ, prout interius mihi præcipit.

Sed si sit coram Justic' dñi Regis vel coram dño Rege, verba (& pponend') omittantur.

R. O. Añ Vic.

Aliter

Aliter sic.

Virtute, &c. per A. B. & C. D. probos & legales homines de Balliva mea scir feci infra-
nominat A. D. quod sit coram Justic' infra scripte
ad diem & locum infra content ad ostenderd' si
quid, &c. put interius mihi praecepit. Si co-
ram Baronibus de Scaccario dom' Regis, tunc, ad
ostendend' & pponend' si quid, &c. put, &c.
W. S. Ar Vic'.

Retorn' Scir' feci versus terr' ten'.

Virtute istius brevis mihi direct' p W. D. &
E. A. ppos & legales homines de Balliva mea
scir feci W. G. generoso, filio & haered. infranoi-
nat W. G. modo defunct', & A. G. vid', tenenti-
bus manerii de Fro. cum pertin' in Com' meo ac
unius capitalis Mesuagii voc' J. Hall, lx. acr
terr' xx. acr prati l. acr past' x. acr bosci cum per-
tin' in F. in Com' meo, modo vel nuper in Occ
I. M. sive Assign' suorum, quæ fuer' Maner' terr'
ten' prae dict' W. G. patris tempore reddiconis
Judicii inframenconat & postea in feod' simplici;
ita quod sint coram domino Rege ad diem & lo-
cum infra content ad ostendend' si quid, &c.
prout mihi praecepit. Et ulterius domino Regi
certifico, quod non sunt aliqui alii tenentes, nec
aliquis tenens est, aliquarum aliarum terrarum si-
ve reitorum quæ fuer' prae dict' W. G. patris
prae dicto tempore reddiconis Judicii prae dict' seu
postea in Com' meo cui vel quibus scir fac'
potui.

W. S. Ar Vic'

O

Retorn'

Retorn' de Nihil super scir' fac'.

Infranominat A. B. nihil habet in balliva mea per qd' scir' facere possum, nec est invent' in eadem.

R. O. Ar Vic

Retorn' de Devastavit versus exec'.

Virtute istius brevis mihi direct. cepi in manus meas diversa bona & catalla quæ fuerunt infranomin. H. S. tempore mortis suæ in manibus infranominat R. O. & K. uxoris ejus exec' test' prædict' H. administrand' existen. ad valent' xxxvii. li. parcel' deb. infrascr, quæ quidem bona & catalla remanent in custodia mea pro defectu emptorum. Et ulterius Just. infrascr certifico, quod prædict' R. O. & K. diversa bona & catalla quæ fuer' prædict' H. tempore mortis suæ ad valent' resid' deb. & dampn. infraspēc vendiderunt & devastaverunt, & denarios inde provenien' ad suos suos proprios converterē, ita quod resid' deb. & dampn' infraspēc de bonis & catallis ejusdem H. S. levare seu fieri facere non possum. Et ulterius Just. præd' certifico, quod prædict' R. O. & K. uxor ejus nulla habent bona seu catalla & bonis & catallis suis propriis in balliva mea unde resid' deb. & dampn' infraspēc aut aliquam in parcel' fieri facere possum, prout interius præcipitur.

R. O. Ar Vic

Retorn

*Retorn' de Replevin sur return' habend'
averiorum.*

Virtute istius brevis mihi directi deliberari
feci infranom I. B. averia quæ T. M. cepit, & ei-
dem T. M. in cur. dom regis adjudicat fuer, p-
nt interius mihi præcipitur..

R. O. Ar Vic'.

*Retorn' de averia elong' sur second
deliverance.*

Ante adventu istius brevis averia infrascr per
infranom T. C. elongat fuer ad loca mihi ignot,
itaque vis. eorund infranom H. & T. H. return.
habere non potui, pat interius mihi præcipit'.

R. O. Ar Vic'.

Retorn' de Withernam.

Virtute istius brevis cepi duas ollas areas,
duas patell' areas, &c. de bonis & catallis I.
H. in ist. brevi nom in Withernā, & ea W. B.
infranom deliberari feci, habend' eidem W. B.
quousque præd I. B. catall' præd W. B. delibera-
voluer, prout breve istud in se exigit & requirit.
Et ulterius vobis certifico, quod præd I. H. in isto
brevi nom null' habet alia bona neque catall'
quæ in Withernā capi possunt aut per quæ At-
tach. potest juxta tenorem hujus brevis.

R. O. Ar Vic'.

Retorn' brevis collect' xv. & x. extra Scacc'.

Virtute istius brevis mihi directi scire feci infrancm̄ **A. B.** ac etiam quæ ex parte dom̄ regis fierent, dedi in mandat. præd' **A. B.** circa levationem & collectionem sextæ quintodecimæ & decimæ sex integrarū quintodecimar. & decimar' infrascript. ac obligat' secundum formam stat. infrascript præd' **A. B.** ostendi feci ipsi ex parte dom̄ regis sigilland', & ut fact' suum ad usum ejusd' dom̄ regis deliberand', scil. dedi in mandat, sed præd' **A. B.** omnin. eand' sigillare vel circa collect. præd' intendere recusavit, & adhuc recusat, in contempt. dicti Domini Regis, ideo eandem obligationem ad diem & locum infracontent' habere non possum, prout interius mihi præcipitur. Et ulterius certifico, quod scire feci infranominat' **C. D.** quod ipse circa levationem & collectionem dict' sextæ quintodecimæ & decimæ prædict' sex integrarum quintarum decimarum infrascript. diligenter intendat, & obligationem secundum formam Statuti infrascripti eodem **C. D.** recepi, & eandem in Scacc. dicti domini regis ad diem infracontent' certifico, prout interius mihi præcipitur.

R. O. Ar Vic

Retorn' Fieri facias in Scacc'.

Baronibus infrascript certifico, quod **W. B.** senus **G. de D.** in com̄ meo Ar. mort' est, ac quod alter **W. B.** jun. est ibm̄ adhuc vivens, sed uterque eorum fuit debitor dom̄ Regis per breve prædicti

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dictū mihi nō constat; sic in execut. istius br̄is ad
præsens procedere non possum: ac quoad residū
execuconis istius brevis de bonis & catallis terr'
& tenēt. I. W. in scedul' huic brevi annex' sīliter
nominat' cessavi, eo quod denar' in scedul' præd'
menconat' & super ipsum onerat' levat' & solut'
fuer' in recept' Scaccar' dom' Regis per W. I.
Ar' nuper vic' Com' mei Termino sancti Micha-
elis anno regni domini Regis nunc viij. prout p
computum suum inde fact' constat.

W. S. Ar' Vic'.

Retorn' Nichil sur distring'.

Infranominat' W. S. nichil habet in balliva mea
per quod distringi potest.

W. S. Ar' Vic'.

Aliter.

Nulli sunt Executores sive Administratores in-
franominat' I. C. nec sunt hæred' sive tenent.
terr' & tenētorum nec occupat' bonorum & ca-
tallorum quæ fuer' prædict' I. C. in balliva mea
quos distringere possum.

W. S. Ar' Vic'.

*The return of a wood Writ in the
Exchequer.*

Baron' infra-script' certifico, quod P. M. L. S. &
T. W. in scedula huic brevi annex' nominat'
nulla habent bona seu catalla terr' sive tenement'

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infra ballivam meam unde sepecialia debiūt super ipsos & eorum quemlibet imposiūt fieri facere possum: sed virtute istius brevis mihi directi fieri feci de bonis & catallis H. L. T. K. & I. B. in dict' scedula nominat' sepecial' summas super ipsos & eorū quemlibet onerat, & denarios illorum coram Baron' infrascript' ad diem & locum infracontent' parat' habeo, prout interius mihi precipitur. Et ulterius certifico, quod I. B. E. A. & W. B. in dict' scedula nominat' allegaver' se habere exoner' actionē pro sepecial' summis super ipsos & eorū quemlibet onerat, & pro eo accepti ab eis sufficien' securitatē, & præfixi eis diem essendi hic ad scaccarium domini regis infrascript' ad diem & locum infracontent', prout interius mihi precipitur.

R. O. Añ Vic.

*Retorn' brevis de respect' homag.
al' distringas in Scaccario.*

M. infranominat' A. B. { I. Doe,
&
Rich. Roo.

Exit ————— xx. s.

Or according to the value of the land, more or less.

R. O. Añ Vic.

*Retorn' de Seafar' in Scaccar' nomine
districtionis.*

Virtute istius brevis mihi directi xx. die M^o anno regni domini regis infrascript' decimo quinto

quinto, cepi in manus dñi Regis manerium de S. infra-script cum pertinen' in S. in com' infra-script, quod quidem manerium est clari annui valoris in omnibus exit' ult' repris. xx. li. de terr' P. B. in scedul' huic brevi annex' nominat; ac cepi etiam in man' ejusdem dom' regis unum torment' voc' a *Detronel* cū le flax & touch-box, valor' x. s. nomine distractionis de bonis & catal-lis I. C. in scedul' præd' nominat, prout istud bre' in se exigit & requirit, &c.

R. O. Añ Vic'.

Aliter ubi Nihil est return'.

Baron' infra-script' certifico, quod A. B. C. D. & cæter' personæ in quibusd' scedulis huic brevi annex' nominat' nulla habent bona seu catalla in-fra ballivam meam unde seperal' debit' super eos onerat' seu aliquam inde parcell' fieri facere possum, nec sunt invent', nec eorum aliquis est invent' in balliva mea; nec sunt aliqui exec' test. sive ultimæ voluntat' præd' seperalium personarū, neque administ' bonorum & catall' quæ sua fue-runt, nec aliqui hæred' seu ter'iteneñ præd' se-peralium personarū sive eorū alicujus infra balli-vam meam quos distringere possum, prout istud breve in se exigit & requirit.

Resid' executionis istius brevis patet in qui-busdam Inquis. huic brevi annex'.

R. O. Añ Vic'.

Nihil return'.

Inquis. indet', &c. qui dic' super sacrm suū sont' quod

quod A. B. C. D. &c. in scedul' huic brevi annex' nominat' sepealibus diebus & ann' quibus primo debitor deveni' domino regi seu unquam postea hucusque nul' huer' bona seu catall' terr' five tenemen' infra ballivam meam quæ extendi aut apprec' possint ad eorum notic'; & quod mortui sunt, sed quibus die & anno, five diebus & annis, ac ubi, penitus ignorant. In cuius rei testim', &c. ut supra.

R. O. Ar' Vic'.

Ubi terr' extend' jacet in al' Com'.

Baron' infrascr' certifico, quod omnia terr' & tenement' quæ fuer' infranom' N. F. aut al' antecessorum suorum jacent in com' S. & non in balliva mea.

R. O. Ar' Vic'.

Commorans in al' Com'.

Infranominat' E. S. est vic' Com' O. & est commorans in dicto com' O. & non est inventus in balliva mea.

R. O. Ar' Vic'.

Retorna pro vic' mesme.

Baron' infrascr' certifico, quod ego H. W. miles modo sum vic' Comit' S. ideo meipsum distringere non possum, prout interius mihi precipitur.

H. W. Mil' Vic'.

Retorn'.

Retorn' brevis pro elect' Mil' Parliamenti.

Virtute istius brevis mihi directi Elig' feci duos milit' giadiis cinctos magis idoneos & discret' de com' meo præd, viz. W. F. & I. S. qui quidem mil' plen' & sufficient. potest. pro se & communitate com' præd habeant ad faciend' & consentiend' hiis quæ ad diem & locum infracont' de communi consilio regni regis Angliæ ordinari conting', & prædict' W. F. & I. S. manucapt' sunt per I. P. W. B. R. D. & R. N. ad essend' ad Parliament' Domini Regis apud Westm' ad diem infracontent' ad faciend' prout istud breve in se exigit & requirit. Feci etiam præcept' I. P. & W. S. ball' libert' villæ de G. quod de burgo de G. eligi facerent duos Burgenses de discret' & magis sufficien' quod sint ad parliament' dicti dom' regis ad diem infracont' ad faciend' & consentiend' ut præd est: qui quidem ballivi sic mihi respond', quod eligi fecer' de præd burgo de G. duos burgenses discret' & magis sufficien' ad essend' ad parliament' præd, viz. S. W. & R. W.

Resid' execut' istius brevis patet in quibusdam Inquisic' huic brevi annex'.

R. O. Añ Vic'.

Retorn' de breve sum' Parliamenti.

Virtute istius brevis mihi directi tam infra libertat' quam extra per totam ball' meam publice proclam' feci, quod omnes & singul' person' habentes terr' tenement' aut reddit' ut infra scr' est, quorum nomin' in quadam scedul' huic brevi annex'

nex^{us} sunt scripti, ad presentem domini regis circa festum infrascriptum personaliter compareant ad prefatum ordinem recipiendum, prout interius mihi precipitur.

F. P. Mil^l Vic^{us}

Retorn^{us} de Rescous.

Executio istius brevis patet in quadam scedula huic brevi annexa.

Virtute brevis domini regis mihi directi & huic scedule annexa feci quoddam warrantum meum cuidam I. M. ballivo meo itineranti ad capiendum & arrestandum E. G. in dicto brevi nominatum secundum exigentiam ejusdem brevis: qui quidem ballivus meus virtute warrantum mei predicti decimo die I. anno, &c. apud D. in com^{itatu} S. predicti cepit & arrestavit corpus predicti E. G. & ad tunc & ibidem ipsum E. G. in custodia sua habuit: super quo F. G. de C. predicti in com^{itatu} predicti gener & T. M. de eisdem villis & com^{itatu} gener ad tunc & ibidem vi & armis, viz. gladiis, pugionibus, & baculo, in predicti ballivi mei insultum fecerunt, & ipsum ballivum meum ad tunc & ibidem contra legem & consuetudinem regni domini regis Angliæ, &c. ac contra voluntatem ipsius ballivi mei, imprisonaverunt, & ipsum ballivum meum in prisona ibidem per spacium unius horæ ad tunc & ibidem detinuerunt, & xx. d. in pecunia numeratis de bonis & catallis & denariis ipsius ballivi mei a persona ipsius ballivi mei ad tunc & ibidem predicti T. M. cepit, ac prefatus E. vi & armis predicti ad tunc & ibidem a custodi dicti ballivi mei ceperunt & rescusserunt, necnon idem E. seipsum ad tunc & ibidem

dem à custodia prædicti ballivi mei rescussit, contra voluntatem ejusdem ballivi mei, & contra pacem dicti domini regis nunc, &c. Et postea idem E. non fuit inventus in balliva mea.

R. O. Añ Vic.

Alit' per ballivum Hundred.

Virtute istius brevis feci quoddam warrant. meum W. H. ballivo Hundred de H. qui mihi sic respondit, quod ubi ipse virtute warrant prædicti decimo die S. anno, &c. apud C. in comitatu prædicti cepit quendam I. S. & ipsum usque ad gaolam domini regis Castri sui Winton ducere voluisset ibidem salvo custodi, illuc veni quidam I. G. & R. S. cum plur al' ignot vi & armis modo guerrino arraiat, & à custodi dicti ball' apud, &c. prædicti I. S. ceper & abduxer, & dictum ballivum necuisse voluer, nisi ipsum I. S. evadere permitteret; & sic ob metum mortis suæ ipsum I. S. evadere permisit: & ea de causa corpus prædicti I. S. coram domino rege ad diem & locum infracont habere non possum, put interius mihi præcipitur. Et ulterius certifico, quod prædict x. die, &c. prædict I. S. non fuit inventus in ball' mea.

R. O. Añ Vic.

Alic' per ballivum libertatis.

Virtute istius brevis mihi directi mandavi I. S. ballivo libertat de D. in com prædict, qui habet plenum return omnium breviu, præcept & warrant
sibi

sibi inde direct', qui tali die & an' apud P. in com' præd' T.S. in brevi huic scedulæ annex' nominat', & in eodem war' sibi direct'. similiter nominat', cepit & arrestavit, & ipsum T.S. in custodia sua occasione præd' ad tunc & ibidem habuit & tenuit. Ac quidam I. C. nuper de S. in comitat' prædict' Husbandman aggregat' sibi quamplur' al' malefact' ignot. pacisque domini regis perturbat' ad numerum viginti personarum modo guerrino arraiat' vi & armis, viz. &c. in ipsū ballivum ad tunc & ibi' riotose insult' fecer', & ipsum verberaver', vulneraver', & male tractaver', ita quod de vita ejus desperabatur. Et quod I. C. & al', &c. ipsum T. S. extra custod' dicti ballivi ad tunc & ibidem ceper' & rescuss. & sui juris & ad largum ire permiser', contra voluntatem prædict' ballivi : ac idem T. S. seipsum extra custod' dicti ballivi ad tunc & ibidem similiter rescussit, contra pacem dom' regis tunc, &c. Et postea idem T. non fuit invent' in balliva mea.

R. O. Ar Vic'.

Retorn' de proclam' extra Cancellar'.

Virtute istius brevis mihi directi publice proclamari feci infra ballivam meam quod infranominat' H. B. sub pena legianciæ suæ coram Domino rege in Cancellar' sua infra script' ad diem infra content' compareat, prout interius mihi præcipitur. Necnon Domino Regi certifico, qd' infranominat' H. B. non est inventus in balliva mea.

R. O. Ar Vic'.

Retorn'

Retorn' de Commission' de rebellion.

Domin' regi certifico, quod tempore recepti-
cū istius Cōmiss. mihi & al' direct' infranom
W.W. capt' & arrest. fuit p W. S. mil' vic' com
S. virtute divers. bñum eidē vic' direct', & gaolæ
domini regis castri sui Wint p eund' vic' cōmiss.
fuit; in qua quid' gaola ego p̄f. I. W. p̄f. W. W.
virtute istius cōmission' attach. feci, put interius
mihi præcipit, sed corpus ejus ad diem & locū
infracontent' hēre non possum, quia idem W. in
ead' gaola sub salv. custod' dicti vic' ob divers.
alias causas ibidem detinetur.

I. O. Commission'.

*The return of a Dedimus potestatem, to take
the Oath of a Sheriff.*

Virtute istius brevis mihi direct' tali die &
aū, &c. infrasc. recepimus sacrm infranom R.O.
vic' com S. de officio illo bene & fidelit' faciend',
juxta form' cujusd' scedulæ præscentibus annex',
put interius mihi præcipit, ac put breve istud
in se exigit & requirit.

W. S. & } Commiss.
B. T.

Retorna de breve de Præmunire.

Virtute istius brevis tali die & anno per I. S.
T. W. & I. F. probos & legales hōines de ball'
mea præmunir' feci W. K. cleric' infranomiū
quod sit coram dom' rege ad diem infracont' ubi-
cunque,

cunque, &c. ad fac' & rec' prout istud breve in se
exigit & requirit. Et I. B. & ceteri def. infra-
nom' nihil habent in ball' mea per quæ eis præ-
munire fac' poss. nec sunt inventi in ead'.

R. O. Ar Vic'.

*Retorn' brevis ubi Clericus non habet
laicum feodum.*

Virtute istius brevis mihi directi Justic' in-
frascripto certifico, quod infranominat' T. H. Cle-
ricus est benefic' in Episcopat' London' null' ha-
bens laicum feod' in balliva mea ubi potest sum'
(Vel) & nullum habet laicum feod' in balliva mea
ubi sum' potest.

R. O. Ar Vic'.

Returna brevis eligend' viridar' Forestæ.

Domin' reg. certifico, quod infranominat' I. H.
ante advent' istius brevis mihi direct' mortuus
fuit, quodque ego post receptionem istius brevis
in pleno com' meo ten' apud cast' Winton' in
com' meo vicesimo nono die Marc' anno infrascr'
ex assensu ejusdem Com' loco prad' I. eligi feci
quendam N. S. armiger' viridar' forestæ de B. in-
frascript', ad fac' ea omnia quæ ad offic' illud
pertinent, prout istud breve in se exigit & re-
quirit.

R. O. Ar Vic'.

Retorn'

Retorn' brevis summ' coram Justic' forestæ.

Virtute istius brevis mihi directi sum feci Archiepiscopos, Episcopos, Comit', Baron', & omnes alios liberos tenen' qui terr' & tenement' habent infra metas forestæ domin' regis infra-scripti in comitatu meo, & quatuor homines & præpositi de qualibet villa infra metas ejusdem forestæ, ac etiam duos probos & legales homines de quolib. burgo infra metas dictæ forestæ tenend' veni' detiner' ut solebant, quod sint coram Justic' infra-scripti ad diem & locum infra-content', prout interius mihi præcipitur. Publice etiam proclam' feci per totam ballivam meâ, tam in burgis quâ in aliis villis, ac in feriis, mercatis, & aliis locis publicis, quod omnes ill' qui per chartam domin' regis nunc aut antecess. vel progenitor' suor' aut aliquo alio modo aliquas libertates seu franchiseas teneant, aut libertat' habere clam' & quo warr', quod sint coram dictis Justic' ad diem & locum prædict'. Proclam' etiam feci quod omnes attach. pro virid' & venac' in foresta prædict. post ultimum placit' forestæ prædict' tenent, & eorum pleg. & manucap't qui fuer' die per manucap't prædict' essend' coram præfat' Justic' ad stand' rect' & ad faciend' ea quæ secundum legem forestæ facere debent.

Resid' execution' istius brevis patet in quibusdam pannell' huic brevi annex'.

R. O. Ar Vic'.

Le

Le pannell.

Anthoñ B. & C. generos. & sic xxiii j. for the
grand Jury, and twelve for the petty Jury.

Quando aliquis ostend' vic' tall' sua.

Virtute istius bñs mihi directi baron' infrasc' certifico, quod firmam infranomin' post receptionem huius brevis mihi ostend' tall' sua de solutione firmæ suæ interius specif. ob quod præfixi eis diem essendi coram baron' infrasc' ad faciend' & recipiend' super tall' præd' juxta tenor' huius brevis. Et ideo levatio sum' interius specific' supers. prout interius mihi præcipitur.

W. V. Añ Vic.

*Retorna brevis ad proclam' vic' ad reddend'
compotum suum per Coronatores.*

Virtute istius brevis nobis directi Baron' infrascript' certificamus, quod in pleno Comitatu S. infrasc' ten' apud Castrum Winton' in comitatu S. prædict' vicesimo die A. anno, &c. infrasc', ac etiam in pleno comitat' præd' apud W. præd' 18. die Septembr', anno, &c. necnon in diversis vicibus postea in com' præd' articulatim proclamari fecimus omnia & singula articula quæ in isto bñi continent' & specificant, put p' bre istud nobis interius præcipitur.

I. W. }
W. R. gen. } Coron'.
Retorn'

*Retorn^s de Capias extra Scaccarium tam
corpus quam terr^s nomine district^s.*

Virtute istius brevis mihi directi Baron^s infrascripto certifico, quod cepi corpus infranominat^s I. R. cujus quidem corpus coram dictis Baronibus paratum habeo ad diem & locum infrascriptum Necnon vicesimo die J. anno, &c. infrascripto cepi in manus domini regis nomine district^s cert^s terr^s & tenement^s infranominat^s I. R. jacent^s & existen^s in B. annui valor^s C. s. prout istud breve in se exigit & requirit.

R. O. Ar^s Vic^s.

Capias in manus manerium.

Virtute istius brevis mihi directi Baron^s infrascripto certifico, quod vicesimo die Martii, anno, &c. infrascripto cepi in manus domini regis infrascriptat^s maner^s infrascripto cum pertinentiis prout interius mihi præcipitur. Et si sit cum inquisitione pro annui valor^s tunc sic bre^s præd^s return^s est.

Resid^s executionis istius brevis patet in quadam Inquis. huic brevi annex^s.

R. O. Ar^s Vic^s.

Inquisitio Indenta^s cap^s apud, &c. as the inquisition is befoze for the form, onely putting in the new matter.

F

Retorn^s

*Retorn' brevis de Quis est tenens
extra Scacc'.*

Virtute istius brevis mihi direct' Baron' in-
frascripto certifico, quod W. B. & M. uxor
ejus sunt tenentes tertiae partis manerii infrascripti
in tres partes dividendum & C. A. M. E. & I. B.
fil' C. D. defunct' sunt tenent' secund' partis ma-
nerii praed' in tres partes dividendum, & tertia
pars manerii praed' rem in Custod' domini regis
ration' minoris aetatis P. B. fil' & haered' pd' C. B.

M. praenominatorum } Joh. Doo.
W. B. & M. uxor ejus. } Rich. Roo.

R. O. Ar Vic'.

*Retorn' de venire fac' extr' Scaccarium vel
offic' Coron' in natura de summons
ubi est insufficient'.*

Infranominat' A. B. nihil habet in balliva mea
per quod potest Attach. vel ubi eum sum pos-
sum.

Infranominat' A. B. At- } Jo. Fen.
tach. est per pleg. viz. } Rich. Den.

R. O. Ar Vic'.

Exit eorum j. marc'.

Et ulter' si haec verba recitantur in brevi, nec-
non ad ostend' tunc in quovis x. s.

*Retorn' de distringas ubi pars nihil
habet in terr'.*

Infranominat' A. B. nihil habet in terr' tene-
ment

ment & hæreditamentis infrascr̃ per quod ipsum
distringere possum.

Alias.

Nullum tale manerium neque ulla terr̃ five
teñ cognit̃ per nomen de E. jaceñ in com̃ S.
unde tenentes inde distringere possum prout in-
terius mihi præcipitur.

R. O. Ar̃ Vic̃.

Retorñ de venditione exposĩ.

Virtute istius brevis mihi direct̃ de die in diē
venditioñ exposui ill̃ bona & catalla ad valenc̃
C. s. resid̃ de 8. li. quæ nuper de terris & catall̃
terr̃ & teñ T. E. infranomiñ cepi & inde ven-
didi ad valenc̃ xl. s. quos ad quidem xl. s. diem
& locum infraconteñ parat̃ habeo ad reddend̃
infranom̃ C. D. prout interius mihi præcipitur.
Et resid̃ bonorum & catall̃ præd̃ adhuc penes
me remanent invendit̃. pro defect̃ emptorum.

Aliter retorñ de venditioñ exponas.

Baroñ infrascript̃ certifico, quod ill̃ C. oves
in hoc breve spec̃ venditioñ exponere non potui
eo quod adhuc remanent in manus infrañ R. N.
nuper Vic̃ com̃ S. & nunquam mihi præf. nunc
vic̃ adhuc per præf. nuper vic̃ deliberat̃ fuer̃.

R. O. Ar̃ Vic̃.

*Retorn' de fieri fac' ubi null' addition'
datur aliis def.*

Baron' infrascr' certifico, quod sunt divers.
personæ in com' meo nomiñ & cognominis de I.
K. viz. I. K. de B. I. K. de F. & I. K. de A. quæ
non continentur in isto brevi de cujus præd' I. K.
&c. bonis & catall' denar' infrascr' fieri facere
nescio, ideo ad executionem istius br̄is procedere
non potui.

R. O. Ar̄ Vic.

*Retorn' brevis extra Cur. Wardorum
& Liberationum.*

Post receptionem istius brevis & ante retorn'
ejusdem separal' denar' sum̄ infrascripti soluti fue-
runt per separales personas infranominat' recep-
tori domin' regis cur' suæ Wardor' & Liberac',
ideo ad executionem ejusdem brevis procedere
non potui prout interius mihi præcipitur.

R. O. Ar̄ Vic.

The Return of a significavit.

Virtute istius brevis mihi direct' cepi corpus
infranomin' A. B. cujus quidem corpus reman-
et in prisona domin' regis Castri sui Winton'
sub salvo custod' mea donec sanct' Ecclesiæ rā de
contemptu quā de injur' ei illat' ab eo fuer' satisf-
fact' prout istud breve in se exigit & requirit.

R. O. Ar̄ Vic.

The

The Return of a signific' with proclam'.

Infranominat A. B. non est invent' in balliva mea sed virtute istius brevis mihi direct' in pleno com' meo tent' apud castrum Winton. in com' infrascript' xv. die Julii anno infrascript' publice proclam. feci quod predict' A. B. infra sex dies proximi post proclam' illam corpus suum reddat in forma infrascript' prout breve istud in se exigit & requirit.

R. O. Ar Vic'.

Inquisitio, &c. Qui dic' super sacrament' suu quod W. F. in schedul' brevi prae' annex. nominat' mortuus est, sed quibus die & anno aut ubi penitus ignorant ; quodque W. M. etiam in eadem schedula nominat' est residens in Londin. & I. S. est comorans apud B. in com' W. & A. R. in vil. & comit' Southampt' extra com' South. & reliqui person. in eadem schedul' nominat' ita vagrant & discurrunt in comit. prae' dict' quod capi & arrestari non possint. In cujus rei Testimon', &c.

Inquisitio, &c. qui dic' super sacrament. suu South. quod H. S. in schedula huic brevi annex. spec' nul. alia sive plura habet maneria terr' neque tent' in com' prae' prater & ultra maner' terr' & tenement. in schedul' brevi prae' annex. spec' quae extend' aut in manus dom' regis seifiri possint. In cujus rei Testimon', &c.

Inquisitio, &c. Qui dic' super sacrm suum South.
P 3 quod

The Office of a Sheriff.

quod I. W. in brevi præd. nom. die caption. hujus inquisitionis fuit possessionat. de quadam dimissione pro termin. viginti ann. unius mesuag. &c. in A. in com. præd. cum pertinent. an. valor in omnibus exit. ultra repris. 4. li. quam quidem dimissionem ego præf. vic. die captionis hujus inquisitionis cepi in manus dicti dom. regis. In cujus rei Testimon., &c.

South.

Inquisitio, &c. Qui dic. super sacrm suum quod quibus die & anno nuper comes H. obiit & ubi penitus ignorant, quodque ipse nul. haber. bona aut catalla in com. præd. quæ capi & in manus dict. dom. regis extend. possint. Et alter. dic. quod præd. comes H. die quo obiit fuit seisi. in dominico suo ut de feodo de & in manerio de C. cum pertin. clari ann. valoris in omnibus exit. ult. repris. xxv. li. quod quidem maner. cum pertin. ante advent. istius brevis ego præf. vic. virtute alterius brevis extra hanc Cur. emanat. & ex parte rememor. dicti domini regis hujus scaccar. affilat. seisi. feci in manus dicti domini regis p. extent. præd. In cujus rei testim., &c.

Alias.

Vicar. infra script. cum pertin. in manu dicti domini regis existit. Sede Episcop. Winton. modo vacant.

Alias.

Quod maner. terr. & tenent. nuper W. dom. War. in manus dicti domini regis existunt, &c.

quod T. W. miles mod^o domin. de le War^r filius
& h^{er} pr^æd^{ict} W. non profecutus est liberac^o suam
extra cur^{iam} dict. domⁱⁿⁱ regis Ward^{or} & Liberac^o.
In cujus rei testim^o, &c.

The return of a Writ of partition.

Ego R. O. Ar^{chiep} Vic^{arius} com^{itis} pr^æd^{ict} Justic^{us} in brevi
huic schedulæ annex^æ spec^{ie}, certifico quod virtute
brevis ill. in propria persona mea xv. die J. an-
no, &c. accessi ad mesuag. in brevi pr^ædict^o
spec^{ie} per sacram^{entum} A. B. &c. ad numerum 12.
proborum & legalium hominum de com^{ite} pr^æd^{ict} &
usum in eodem brevi spec. habuit respect. ad ve-
rum valorem ejusdem mesuag. eundem mes. cū
pertinentiis in quatuor equal^{es} partes partiri feci,
& unam partem partium illar^{um}, viz. &c. tenend^{am}
H. S. & uxori ejus in brevi pr^æd^{ict} nominat^{am} in se-
paralitate per metas & bondas in jure ejusd^{em} I. E.
aliam partem inde, viz. &c. tenend^{am} I. C. & E.
uxor^{em} ejus in brevi pr^æd^{ict} nominat^{am} in separalitat^e
in jure ejusd^{em} E. & duas al^{ias} partes inde, viz. &c.
tenend^{as} pr^æf. I. C. in separalitat^e in jure suo p^{ro}-
prio. Et ego pr^æf. vic^{arius} die & anno sup^{ra}d^{ict} eas
deliber^{avi} & assign. feci prout idem breve in se exi-
git & requirit.

R. O. Ar^{chiep} Vic^{arius}.



Miscellania Retorn' Brevium.

*Retorn' brevis secundum Actum Parliamenti nuper fact' pro citiore processu super Distric-
tiones & Avocationes.*

EXecutio istius brevis patet in quadam In-
quisitione huic brevi annex'.

W. S. Ar Vic.

Northt. ff. Inquisitio, &c. Qui dicunt super sacramen-
tum suū qđ tempore captionis Vaccae in bñi præ-
dicto mentionat xlvi. s. in brevi prædicto speci-
ficat P. F. in eodem brevi nominat pro decem
Annis finit ad festum sancti Michaelis Archi-
anno regni dicti domini Regis xxiii. j. aretro fuer
& debet jure Manerii sui de D. in prædicto bñi
specificat Qđque Vacca prædicta tempore cap-
tionis illius rationabili valebat xl. s. & non ultra
In cujus, &c.

W. S. Ar Vic.

Retorn' null' bona & Devastavit.

Justic' infrascripte humillime certifico, quod
infranominat I. B. nulla habet bona seu catalla
de bonis suis propriis in balliva mea unde infra-
mentionat

mentionat x. li. pro Mis. & Custag. infranominat I. S. jun vel aliquem denarium inde ad praesens fieri fac' possum. Et ulterius Justic' praedict' certifico, quod ante adventum istius brevis praedictus I. B. diversa bona & catalla quae fuer' infranominat Edwardi tempore mortis suae ad valent' resid' dampn' infrascript' vendidit elongavit devastavit & in usum suum proprium convertit & disposuit ita quod dampna infrascript' vel aliquem denarium inde de bonis quae fuer' praedict' Edwardi tempore mortis suae fieri facere non possum.

W. S. Ar Vic'.

Retorn' Fi. Fa. cum Scir. Fa. & Inquisic'.

Infranominat I. I. nulla habet bona seu catalla quae fuer' infranominat R. I. tempore mortis suae in manibus suis administrand' in balliva mea unde debm' & dampna infrascript' vel aliquem inde denar' fieri fac' possum Diversa tamen bona & catalla quae fuer' praedicti R. I. tempore mortis suae ad valentiam debiti & dampnorum praedict' post mortem praedicti R. I. ad manus praefat' I. I. devenere administrand' unde infranominat I. O. de debito & dampnis praedictis satisfacisse potuisset Quae quidem bona & catalla praedicti R. I. praedictus I. I. postea elongavit devastavit & in usum suum proprium convertit & disposuit prout per quandam inquisitionem super sacrm proborum & legalium coram me virtute hujus brevis cap't & huic brevi annex' mihi constabat Ita quod debitum & dampna praedict' de bonis & catallis quae fuer' infranominat R. I. tempore mortis

mortis suæ fieri facere non possum Ac prædictus
I. I. nichil habet in balliva mea per quod ei scire
facere possum nec est inventum in eadem Residuum exe-
cutionis istius brevis patet in prædicta inquisi-
tione huic brevi annexa.

W. S. Ar Vic.

Alit' cum scir' fac' de est.

North. ff. Inquisitio, &c. per sacrum I. T. &c. proborum
& legalium hominum de balliva mea qui dicunt
super sacramentum suum quod diversa bona &
catalla quæ fuerunt infranominat R. I. tempore mor-
tis suæ ad valentiam debiti & dampnorum in bñ
prædicto mentionat post mortem prædicti R. I.
ad manus I. I. administrand' devenerunt unde
I. O. in eodem brevi nominat de debito & damp-
nis prædictis satisfecisse potuisset Quæ quidem
bona & catalla prædicti R. I. prædictus I. I. po-
stea elongavit devastavit & in usum suum proprium
convertit & disposuit. In cujus, &c.

W. S. Ar Vic.

Alit' sur Elegit.

Surr. ff.

Inquisitio, &c. per sacrum I. T. &c. proborum
& legalium hominum de balliva mea qui dicunt
super sacrum suum quod I. P. in dicto brevi nominat
die reddicionis Judicii in eodem brevi specifi-
cat scilicet die Veneris proxime post tres septiman-
sancti Michaelis anno regni dicti domini Regis
nunc xiiij. se t fuit ac die captionis hujus inquisi-
tionis se t est in dominico suo ut de feodo de &
in uno Capitali Mesuagio vocat Bond Hall, Ac
de & in Cxl. ac t terr' præ t & pastur' cum eodem
mesuagio usualit' occupatam omnibus & singu-
lis

lis suis pertin' scituat' jacen' & existen' in H. in
 com' prædicto modo vel nuper in occupatione
 R. S. five Assign' suorum clari annui valoris in
 omnibus exit' ultra repris. xl. li. Ac de & in un'
 al' Mesuagio cum pertin' ac lx. acr' terr' xl. acr'
 prati CC. acr' past. & x. acr' bosc. cum eodem
 Mesuagio usualit' occupat' cū omnibus & singulis
 suis pertin' scituat' jacen' & existen' in W. in
 com' prædicto modo vel nuper in occupatione
 W. S. five Assign' suorum clari annui valoris in
 omnibus exit' ultra repris. xl. li. Et Juratores præ-
 dict' ulterius dicunt super sacm suum quod præ-
 dict' Mesuag' secundo mentionat' ac prædict' lx.
 acr' terr' xl. acr' prati CC. acr' past. & x. acr' bosc
 cum eod' Mesuagio usualit' occupat' in W. præ-
 dicta ac modo vel nuper in occupatione prædict'
 W. S. five Assign' suorum sunt vera & justa Me-
 dietas omniū & singulorum Mesuagiorum terr' &
 tenentorum prædictorum & sunt clari annui valo-
 ris in omnibus exit' ultra repris. xl. li. Quam
 quidem Medietatem ego præfat' Vic' p' rōnabile
 preciū & extēnt' prædict' R. W. generoso in eo-
 dem b'ri prædicto similiter nominat' die captionis
 hujus Inquisitionis deliberari feci tenend' sibi
 præfat' R. W. & Assign' suis juxta formam
 statuti inde nuper edit' & provis. ut liberum
 tenentum suum quousque debitum & dampna
 in eod' brevi menconat' plenarie inde levavit se-
 cundum exigenc' istius brevis Et ulterius Jur' præ-
 dict' super sacm suum dicunt quod prædictus
 I. P. nulla habet bona seu catalla nec habuit die
 redditionis Judicii prædicti nec unquam po-
 stea aliqua al. five plura terr' five tenementa
 in

The Office of a Sheriff.

in Com̄ meo ad notitiam eorundem Jur̄. In
cujus, &c.

W. S. Aī Vic'.

*Retorn' Fi' fa' cum bona & catalla defend'
ad valenc' parcel. dampnorum (vel debiti)
per ballivum Libertatis levat' fuer'.*

Pro executione istius brevis mihi directi
fiend' mandavi ballivo Libertatis hundred' de B.
in Com̄ meo qui plen' habet executionem
omnium brevium & Warrant' executabil' infra
eandem libertatem & retorn' eorundem infra
quam quidem libertatem executio istius brevis
totiū restat fiend' Qui quidē ballivus scilicet H. F.
Aī mihi respond' quod de terris & catallis infra-
nominat' I. fieri fecit lx. s. de dampnis infra-
script' Quos quidem denar' corā Justic' infra script'
ad diem & locum infra content' ad reddend' infra-
nominat' E. parat' habet prout interius præcipit
Et quod. nulla habuit al' bona seu catalla infra
libertatem prædictam unde resid' dampnorum in-
framentonat' vel aliquem inde denar' fieri facere
potuit. Et ulterius Justic' prædictis certifico qd'
nulla habet aliqua al' bona seu catalla in balliva
mea unde resid' dampnorum inframentonat'
vel aliquem denar' inde ad præsens fieri facere
possum.

W. S. Aī Vic'.

*Retorn' Fi. fa. cum pars bo. & Catallorum de-
fend' jacent infra Libertatem.*

Virtute istius brevis mihi directi fieri feci de
bonis

bonis & catallis infranominat R. S. xl. s. de debito & dampnis infra script quos quidem denat coram domino rege ad diem & locum infracotent ad reddend infranominat H. B. parat habeo prout interius mihi precipit. Ac domino Regi ulterius certifico quod predictus R. S. nulla al' habet bona seu catalla in balliva mea praeter diversa bona & catalla existen' infra libertatem hundred de G. in com meo Ac quod pro resid executionis istius brevis mihi directi fiend Mandavi ballivo libertatis hundred de G. praed qui plenam habet executionem omnium brevium & warrant executabilium infra eandem libertatem & retorn' eorundem infra quam quidem libertatem resid executionis brevis hujus tollit' restat fiend Qui quidem ballivus nullum dedit mihi respons.

W. S. Ar Vic.

Aliter.

Virtute istius brevis mihi directi fieri feci de terris & catallis infranominat C. D. x. li. de debito & dampnis infra script Quos quidem denat coram Justic' infra script ad diem & locum infracotent ad reddend infranominat A. B. parat' hab' put interius mihi precipit. Ac p resid executionis istius brevis mandavi ballivo libertatis hundred de S. in com meo qui plenam habet executionem omnium brevium & Warrant executabilium infra eandem libertatem & retorn' eorundem infra quam quidem libertatem resid executionis istius brevis tollit' restat fiend. Qui quidem ballivus scilicet R. F. Ar mihi respondit quod fieri fecit

fecit de aliis bonis & catallis prædict' C. D. infra libertatem suam prædict' xvii. li. vi. s. viij. d. existen' resid' debiti & dampnorū inframenconat' quos quidem denar' coram Justic. infra script' ad diem & locum infracontent' ad reddend' infranominat' A. B. de resid' debiti & dampnis prædictis similiter parat' habet prout interius præcipit.

W. S. Añ Vic'.

Retorn' hab' corp' cum causa cum prisonar' in Custod' Ball' Libertatis sit.

Ante adventum istius brevis corpus infranominat' B. S. capt' fuit per R. C. Añ ballivum libertatis hundred' de C. in Com' meo & non per me. Qui quidem ballivus libertatis plenam habet executionem omnium brevium & Warrant' executabilium infra eandem libertatem & retorn' eorundem sub custod' cujus Ballivi libertatis idem B. S. est. Ideo corpus ejusdem B. S. coram Justic' infra script' ad diem & locum infracontent' habere non possum prout interius mihi præcipit.

W. S. Añ Vic'.

Retorn' hab' corp. cum causa per Ballivum Libertatis.

Executio istius brevis patet in quadam schedula huic brevi annex'.

R. C. Añ Ballivus Libertatis.

Domino Regi humillime certifico quod ante advent'

advent' istius brevis huic schedule annex' corpus
T. S. in eodem brevi nominat' capt' fuit & per
me detent' est virtute Warranti Vic' Com S.
mihi directi virtute brevis dom' Regis nunc sibi
directi retornabil' coram Domino Rege apud
Westm die Veneris px. post Oct. sancti Martini
ad respondend' R. S. de placito transgr' Ac etiam
billæ ipsius R. S. pro xx. li. super oblig'.

Ac etiam virtute al' Warranti Vic' prædict'
mihi direct' virtute al' brevis dicti domini Regis
sibi directi retornabil' coram Justic' domini re-
gis apud Westm in Oct. sancti Michaelis ad res-
pondend' G. S. de placito quod reddat ei xl. li.
(vel de placito deb'.)

Hæ sunt causæ captionis & detentionis præ-
dict' T. S. & non al' Corpus tamen ipsius T. S.
coram W. H. Mil' in eodem brevi nominat' ad
diem & locum in brevi prædicto content' parat'
habeo prout interius mihi præcipit'.

R. C. Ar' Ballivus Libertatis.

Nota Breve prædictum dirigend' est Ballivo
Libertatis sed non Vic' Ac si breve sit retornabile
coram Domino Rege apud Westm tunc sic (viz.)
Corpus tamen ipsius T. S. coram Domino Rege
ad diem & locum in eodem brevi content' parat'
habeo prout interius mihi præcipit'.

*Retorn' habere facias possessionem cum Inqui-
sitione pro dampnis.*

Virtute istius brevis mihi directi habere feci
infranominat' I. H. possessionem Terminum sui
adhuc

adhuc venturū infrascriptat' de & in tētis cum
pertin' infrascript' prout interius mihi p̄cipit.
Resid' executionis istius brevis patet in quadam
Inquisitione huic brevi annex'.

W. S. Ar Vic.

Northt. ff. Inquisitio, &c. per sacm I. T. &c. proborū
& legalium hominum de balliva mea Qui
dicunt super sacm suum quod I. H. in bñi præ-
dicto nōinat' sustinuit dampna occasione transg-
& ejectionis firmæ in eodem brevi mentionat' ad
valentiam xx. s. ultra Mis. & Custag' sua per
ipsum circa sectam suam in hac parte expens.
Et pro mis. & custag' suis assidunt xl. s. In cu-
jus, &c.

W. S. Ar Vic.

Retorn' Rescass. per Ballivum Libertatis.

Executio istius brevis patet in quadam sche-
la huic brevi annex'.

W. S. Ar Vic.

Pro executione istius brevis huic schedulæ an-
nex' mihi directi fiend' mandavi Ballivo Liberta-
tis hundred' de C. in com' meo N. qui plen' habet
executionem omnium brevium & warrant' execu-
tabil' infra eandem libertatem & retorn' eorum-
dem infra quam quidē libertatem executio istius
brevis totlit' restat fiend' Qui quidem ballivus
scilt' A. B. Mil' mihi respond' quod virtute war-
ranti mei warrantum suum in scriptis fecit &
direxit G. W. Ballivo suo in hac parte ad arre-
stand' & capiend' I. R. in dicto brevi nominat'
secundū

secundum exigenc' ejusdem brevis. Qui quidem G. W. ballivus suus virtute warranti sui prædict' xxii. die A. anno regni domini nostri Caroli secundi xxii. apud H. infra libertatem suam prædict' cepit & arrestavit prædict' I. R. & ipm I. R. in custod' ejusdem ballivi libertatis ea occasione prædict' habuit & tenuit, & eundem I. R. in comunē Gaolam domini regis p' prædict' libertate apud L. deliberavit. Et sic in custod' dicti ballivi libertatis ut præferē existē' detent' fuit, quousque I. P. de H. in com' meo gen. M. P. de ead' villa vid', & ux. prædict' I. R. aggregat' fuer' sibi quamplur' al. malefactores pacisq'ue domini regis pturbatores ad numerum xiii. personarum modo guerrin' arraiat', videl' Sclopiis, tormentis, gladiis, baculis & cultellis, & xx. die, O. anno xxii. prædict' apud L. p'd infra libertatem prædict' int' horas xi. & xii. ejusdem diei prædict' gaolam dicti domini regis routose, riotose & illicite freger' & intraver', & in quendam L. M. adtunc & ibm custod' gaolæ prædict' existē' vi & armis routose, riotose & illicite insult' fecer', & ipm verberaver', vulneraver' & maletractaver', ita quod de vita ejusdem L. M. desperabat', & corpus prædict' I. R. adtunc & ibm sic ut præferē comiss. & detent' existē' extra custod' dicti ballivi libertatis ex gaol' prædict' adtunc & ibm vi & armis, &c. routose, riotose & illicite ceperunt & rescusser', & sui juris ad largum contra voluntatem dicti custodis gaolæ prædict' ire pmiser'. Et prædictus I. R. extra custod' dicti ballivi libertatis, sic ut præferē comiss. & detent' existē', seipsum vi & armis contra voluntatem dicti custodis gaolæ prædict'

Q

adtunc

adtunc & ibi rescuffit, in magnam pacis domini
regis pturbationem & populi terrorem, ac in ma-
lum & pniciosum exemplum omnium aliorum
in tali casu delinquen', & contra pacem domini
regis, coron' & dignitat' suas. Et postea prædict'
I. R. non fuit invent' in balliva mea.

W. S. Añ Vic

Aliter.

Executio istius brevis patet in quadam Sc
dula huic brevi annex'.

W. S. Añ Vic

Pro executione istius brevis huic scedulae an-
nex' mihi directi fiend' mandavi ballivo liberta-
tis hundred' de C. in com' meo N. qui plenam
habet executionem omnium brevium & warrant'
&c. put in le retorn' ultimo menconat'. Qui quid-
dem ballivus, scil. I. M. Mil. mihi respondit, quod
virtute warranti mei & officii sui warrantum
in scriptis fecit & direxit M. H. & I. R. ballivi
suis in hac vice fieri fac' de terris & catallis T. S.
in brevi prædicto nominat. tam quoddam debm
C. li. quam xl. s. p dampnis in eodem brevi
mentionat. Qui quidem ballivi, ballivi libertatis
prædict', viij. die M. anno regni domini regis
nunc xxv. in Shopam dicti T. S. in B. in com'
meo N. ac infra libertatem prædictam pacifice
intraver' ad fieri faciend' de terris & catallis præ-
dict' T. S. debm & dampna prædict', & possessio-
nat' fuer' de diversis bonis & catallis ejusdem
T. S. ad valenc' x. li. de debō & dampnis prædict'
& prosecut. fuer. in ulteriore executione dicti

warrant

warranti dicti ballivi libertatis prædicti in sese possidendū diverforum aliorum bonorum & catallorum ad valentē residū debiti & dampnorum prædicti, quouſque L. M. de iB. prædicti & M. ux prædicti T. S. & diversæ aliæ pſonæ ad numerum octo personarum eisdem ballivis ignot. vi & armis, videl' baculis, gladiis, tormentis & cultellis, ad tunc & ibi riotoſe, routoſe & illicite in ipsos ballivos balliv' libertatis prædicti insult. fecer̄, & ipsos verberaver. vulneraver. & maletractaver. ita quod de vita eorum desperabat'; ac violent. contra voluntat. prædictorum ballivorum balliv' libertatis prædicti omnia bona & catalla prædicti extra manus & possessionem eorundem ballivorum balliv' libertatis prædicti rescuffer. ac bona & catalla illa ad loca eisdem ballivis incognit. asportaver. ac ipsos ballivos ab ulteriore executione prædicti warranti balliv' libertatis prædicti penitus excluſer'. Et postea prædicti T. S. nulla habuit nec habet bona seu catalla in balliva mea unde debm̄ & dampna prædicti vel aliquem inde denar. fieri faç possum.

W. S. Ar. Vic'.

*Retorn' de Extent cum terr. fuer. in man'
dom' nuper Regis Caroli primi ra-
tione cur. suæ Wardorum
& Liberationum.*

Justic' domini Regis infrascript. humillime certifico, quod terr' & tenit' quæ fuer. infranominat. F. B. die & anno infrascripti, de quibus judicium de debito & dampn. infraspecificat. reddit. fuit, sunt & adhuc existunt in man. dicti do-

mini regis in cur Ward & Liberation, ratione
 R. B. gen tenens terr & tenor predict non
 dum prosecut est liberationem suam de terr &
 tenor predict in cur Wardor & Liberationum
 predict. Ideo ad executionem istius brevis pce
 dere non possum, prout interius mihi precipi

W. S. Ar Vic

Retorn' Rescons.

Virtute istius brevis mihi direct & huic se
 dul' annex' quoddam warrantum meum
 scriptis feci & direxi I. W. ballivo meo in
 parte ad arrestand & capiend W. H. in dict
 brevi nominat secundum exigen eisdem bre
 Qui quidem I. W. ballivus meus virtute warra
 ti mei predict' xxii. die A. anno regni dni
 stri Caroli secundi infra script' xxvi. apud H
 com meo S. cepit & arrestavit predict' W.
 & ipm W. H. in custod mea occasione pra
 ad tunc & ibm habuit & tenuit. Et sic in cust
 mea ad tunc & ibm existe, postea, scil. eisd
 die & anno, quidam E. C. de H. in com pra
 yeoman, W. B. de eisdem villa & com yeoma
 S. H. de villa & com predict' laborer, A. C.
 villa & com predict' yeoman, & L. L. de H.
 com praed linnen weaver, ad tunc & ibm
 & armis, videlicet baculis, gladiis & cultellis, in p
 dict' ballivum meum ad tunc & ibm insulte fecerunt
 & ipm verberaver, vulneraver & maletractaver
 ita quod de vita ejus desperabat. Et praed
 E. C. W. B. S. H. A. C. & L. L. praefat W.
 extra custod meam a dicto ballivo meo com

voluntatem ejusdem ballivi mei adtunc & ibi vi
& armis ceper & rescusser, & sui juris ad la-
gum ire permiser. Ac idem W. H. seipsum extra
custod meā a dicto ballivo meo contra volunta-
tem ejusdem ballivi adtunc & ibi vi & armis
simil' rescussit, contra pacē dicti domini regis. Et
postea idem W. H. non est invent in balliva mea.

W. S. Ar Vic'.

Retorn' Scir' fac' versus terr' tenen'.

Virtute istius brevis mihi directi per H. W.
& M. R. probos & legales homines de balliva
mea sci' feci E. W. generos. filio & hæredi in-
framinat R. W. modo defunct', terr'tenen
unius Mesuagii cum perti' vocat ~~Wokewoods~~
in C. in com meo North, xx. ac' terr, vi. ac'
prati, vij. ac' past. & x. ac' bosci cū perti' in C.
præd' eidem Mesuagio spectan' sive perti' ac u-
sualit' occupat, modo vel nuper in occupacone
R. M. sive Assign suor, quæ fuer' terr' & tenemen-
ta prædict' R. W. in feod' simplici tempore red-
diconis Judicii inframenconat & postea, ita quod
sit coram Justic dom' regis ad diem & locum in-
fracent, ad ostendend' si quid, &c. prout
interius mihi præcipit. Et ulterius Justic præ-
dict' certifico, quod non sunt aliqui alii terr'te-
nentes nec aliquis alius terr'tenens est aliquarum
aliarum terrarum sive tenitorum quæ fuer' præd'
R. W. præd' tēpore reddiconis Judicii p'd seu po-
tea in com meo cui vel quibus sci' facere potui.

W. S. Ar Vic'.

Retorn' brevis original' in debito.

Pleg. de prof. { Johēs Doo,
&
Rich' Roo.

Infranominat A. B. nichil habet in balliv
mea per quod sum potest.

W. S. Ar Vic

Retorn' original' in transgr'.

Pleg. de prof. { Johēs Doo,
&
Rich' Roo.

Infranominat A. B. nichil habet in balliv
mea per quod attach. potest.

W. S. Ar Vic

Retorn' original' versus hered'.

Pleg. de prof. { Johēs Doo,
&
Rich' Roo.

Sum infranominat { A. B.
S. T.
R. F.

W. S. Ar Vic

Retorn

Retorn' Cepi corpus sur capias.

Virtute istius brevis mihi directi cepi corpus infranominat. C. G. cujus corpus coram Justic infrascript. ad diem & locum infracontent. parat. habeo, prout interius mihi præcipit.

W. S. Ar Vic'.

Retorn' Hab. corp. superinde.

Justic infrascript. certifico, quod corpus infranominat. C. G. coram Justic infrascript. ad diem & locum infracontent. adhuc parat. habeo, prout interius mihi præcipit.

W. S. Ar Vic'.

Aliter superinde.

Justic infrascript. certifico, quod corpus infranominat. C. G. non fuit capt. p me, sed per I. W. Arm nuper vic com mei Northt' predecessorem meum. Ideo corpus ejus coram Justic infrascript. ad diem & locum infracontent. habere non possum.

W. S. Ar Vic'.

Distring. superinde.

Manuautores infranominat. I. W. { J. Doo.
&
R. Roc.

Exit. ——— x. s.

W. S. Ar Vic'.

Q 4

Retorn'

Retorn' Distring' in Scaccario.

Baronibus infrascript. certifico, quod nulli sunt Executores sive Administ' nec occupat bonorum & catallorum vel hæred' seu terr' tenen infranominat. A. B. in balliva mea quos aliquo modo distringere possum.

W. S. Añ Vic

Al' Retorn' Distring' ibidem.

Infranominat. C. D. nichil habet in balliva mea per quod distringi potest.

W. S. Añ Vic

Al' Retorn' Distring' ibm'.

Manuceptores infranominat. E. F. } Jo. Doo,
&
R. Roo.

Exit. ————— x. s.

W. S. Añ Vic

Retorn' special' de Quare impedit.

Virtute istius brevis mihi directi vi. die N. anno cepi in man' domini regis tenementa infrascript' cum pertin', & eisdem die & anno scir' feci tam F. G. Mil' Capital' domino immediat' feod' tenementorum infrascript' quam infranominat' H. I. per I. B. & H. D. probos & legales homines de balliva mea, quod sint coram Justic' infrascript' ad diem & locum infracotent

audi

audituꝛ recogn' infrascript', prout interius mihi
præcipit'. Et ulterius Justic' prædict' certifico,
quod non est alius capitalis dominus feod' illius
mediate nec imēdiate int' dom' regem & præ-
dict' F. G. cui scir' fac' possum.

W. S. Ar' Vic'.

Retorn' de Recordari facias.

Virtute, &c. Recordari feci loquel' quæ est
in com' meo sine brevi dom' regis int' partes in-
frascript' de placito transgr' super casum; & Re-
cord' illud habeo coram Justic' infrascript' ad
diem & locum infracontent' sub sigillo meo & si-
gillis A. B. &c. quatuor legalium Militum de
com' meo ex illis qui Recordo ill. interfuer', put
patet in quadam scedula huic brevi annex'.

Ad com' meum tent' apud B. in com' prædict' Northt. ff.
tali die & anno coram H. B. &c. quatuor secta- Scedula.
toribus cur' illius.

I. D. querit. de I. G. de placito transgr' su- Loqu. ff.
per casum.

W. S. Ar' Vic'.

Retorn' special' de Accedas ad Curiam.

Virtute istius brevis mihi directi, assumptis
mecum quatuor discret' & legal' hominibus de
com' meo Northt', accessi ad cur' hundred' unde
interius fuit mentio tent' apud G. primo die
I. anno. Et in pleno hundred' illo lo-
quelam unde scil' interius fit menço recordari
volui. Et D. G. Seneschallus ibim' ad tunc & ibim'
in plena cur' sedens (viso & audit' brevi præd)
libros

libros suos loquelam prædict' tangen' immediate clausit, & ab hundred' illo una cum libris illis & sectatoribus ejusdem hundred' adtunc & ibm' existen' assumpsit secū & indilate recessit, & præceptum domini regis in isto brevi specificat, adtunc & ibm' fieri executum omnino denegavit & confidixit, per quod executionem istius brevis ad præsens fac' non possum.

W. S. Ar Vic'.

Ad inquir' dampna in dote ubi tenens obiit seisit'.

Executio istius brevis patet in quadam Inquisitione huic brevi annex'.

W. S. Ar Vic'.

Northt. ff. Inquisitio indentat', &c. Qui dicunt super sacramentum suum, quod I. C. in brevi huic Inquisition' annex' nominat' vii. die Junii anno, &c. apud W. in com' prædict' obiit seisitus in dominico suo ut de feodo de & in tenentis in eodem brevi mentionat'; & quod eadem tenita sunt clari annui valoris in omnibus exit' ultra repris. xl. s. ac quod quinque anni delabunt' à tempore mortis præd' I. C. Et quod I. S. in prædict' brevi simil' nominat' sustinuit dampna occasione dotis suæ in eodem brevi specificat' ad valenc' viij. li. In cujus, &c.

W. S. Ar Vic'.

Brevis eligend' Burg' Parliamenti.

Virtute istius brevis mihi directi ad proximū com' meum Northt post receptionem ejusdem brevis

brevis tenē apud N. in com̄ prædict' viij die M. anno, &c. in pleno com̄ illo proclam feci omnia in brevi illo contentē secundum formam & effectum hujus brevis. Residuum executionis istius brevis patet in quadam Indentur̄ huic brevi annex'.

The Indenture
the Bur-
gesses de-
liver to the
Sheriffs.

W. S. Ar Vic'.

Brevis deliberat' post extent' sur Statut' Staple.

Virtute, &c. liberavi infranominat' A. B. maner, mesuag', terr' & tenēta inframentionat', tenend' sibi & Assign' suis ut libm̄ tenētum suum quousque sibi de debito infra script' una cum dampnis, misis & expens' suis circa sectam suam in hac parte plenar' fuit satisfact', prout interius mihi præcipitur.

W. S. Ar Vic'.

De Homine replegiand'.

Justic' domini regis infra script' humillime certifico, quod nullum aliud breve vel mandat' domini regis de repleg. infranominat' I. K. quem infranominat' C. D. cepit & tenet, prout interius specificat' est, quam istud breve ad man. meas devenit nec mihi delibera't : tamen Justic' prædictis ulterius certifico, quod statim post receptionem ejusdem brevis accessi ad prædict' C. D. de repleg. faciend' prædict' I. K. quem prædict' C. mihi ostendere noluit, sed prædictum I. ante adventum istius brevis ad loca mihi incognita elongavit, & postea non est invent' in balliva mea, sic quod aliquam repleg' ipsius I. juxta mandat'

mandat hujus brevis ullo modo fac' non potui,
prout interius mihi præcipiit.

W. S. Añ Vic'.

Vel brevit' sic.

Justic', &c. certifico, quod nullum aliud breve
præc' istud de replegiand' infranom' I. K. ad ma-
nus meas hactenus devenit. Et præterea Justic'
præc' certifico, quod prædict' I. K. elongat' est ad
loca mihi incognita per infranominat' C. D. per
quod prædict' I. K. repleg. non possum, prout
interius mihi præcipitur.

W. S. Añ Vic'.

De Partitione.

North. ff. Virtute brevis domini regis mihi directi, &
huic Partitionis Inquisitioni indendañ annex',
xx. die Junii anno, &c. ego W. S. Añ Vic'
com' prædict', assumptis mecum I. A. I. G.
&c. (ad numerum xii.) liberis & legalibus ho-
minibus de balliva mea de visñ de H. in brevi
prædicto mentionat', accessi ad tent'a in brevi præ-
dicto specificat', & in præsentia F. G. in eodem
brevi nominat' ibim' per eorum sacrm' (ad verum
valorem eorundem tentorum cum pertin' res-
pectu habito) eadem tent'a in partitionem in tres
partes æquales partiri feci : & unam partem ea-
rundem trium partium, viz. decem acr' terr' & sex
acr' pastur' jacen' in H. prædict' inter regiam
viam ex parte Orientali, & alias duas partes te-
nemētorū prædict' ex parte Occidentali, & abut-
tan' super communem pastur' de H. prædict' ver-
sus

sus Austrum, ego præfat Vic' prædict' xx. die Junii easdem x. acr' terr' & vi. acr' pastur' deliberari & assignari feci prædict' F. G. tenend' ei in seperalitate per metas & bundas prædict' secund' formam & effectum brevis prædict': & quoad duas partes residuum tenementorū prædict' in brevi prædict' mentionat' Justic' in eodem brevi specificat' certifico, quod nullus ex parte T. K. in brevi præd' simil' nominat' venit ad recipiend' de me præfat Vic' easdem duas partes prædict', ita quod duas partes illas præfat. T. K. liberare & assignare non potui, prout breve prædict' in se exigit & requirit. In cujus rei testimon. tam ego præfat' Vic' quam præfat' xii. Juratores huic Partitionis Inquisitioni indentat' figilla nostra seperal' apposuimus eisdē die & an. supradictis.

W. S. Añ Vic'.

Retorn' Proclamationis in Cancellar'.

Virtute, &c. publice proclam feci per totam ballivam meam tam infra libertates quam extra, quod infranominat. F. G. sub pena legianciæ suæ compareat coram domino rege ad diem & locum infracontent. prout interius mihi præcipit'. Ac domino regi ulterius certifico, quod non est invent. in balliva.

W. S. Añ Vic'.

Scir' fac' ad audiend' Record'.

Virtute, &c. per A. B. & C. D. probos & egales homines de balliva mea scire feci S. T.
quod

quod sit coram domino rege ad diem & locum
infracontent. ad audiendū Record & processum
unde interius sit mentio, & ad ulterius faciendū &
recipiendū omnia & singula prout istud breve in
se exigit & requirit.

W. S. Ar Vic.

*De Venditioni expon' cum averia reman' in
manibus prioris Vic' & presenti
Vic' non deliberat'.*

Baronibus infrascript. certifico, quod averia
ill. infrasp. specificat' venditioni exponere non po-
tui, eo quod adhuc remanent in man. I. C. Ar
nuper Vic' com' mei North' predecessor' mei,
& nunquam mihi E. G. Ar modo Vic' nec ad-
huc p' præfat. nuper Vic' deliberat. fuer.

W. S. Ar Vic.

De retorn. habend'.

Pleg. de prof.

{ Johes Doo,
&
Rich. Roo.

Virtute, &c. retorn' feci infranominat. I. P.
illa averia I. G. infranominat. quæ eidē I. P. ad-
judicat. fuer' ob defectum ipsius I. G. salvo & se-
cū custodiendū, ita quod ea præfat. I. G. ad que-
rimoniam ipsius I. G. nullo modo deliberent'
sine brevi dom' regis quod de præfat. Judicio ex-
pressā facit mentionē, juxta formā hujus br̄is.

W. S. Ar Vic.

Retor n

Retorn' Capias in Withernam.

Virtute, &c. cepi duas vaccas de averiis infranominat' G. T. quas deliberari feci infranominat' B. H. salvo & secure custodiendā, quousque alia averia infraspecificat' ipsius B. H. prius capte & ad loca mihi ignot' transmissa deliberar' possū, prout interius mihi præcipit.

W. S. Añ Vic'.

Retorn' de Supplicavit.

Ego W. S. Añ Vic'. com' infrascript' domino regi in Cancellaria sua certifico, quod ante adventum istius brevis B. G. infranominat' capte fuit in balliva mea, & in prisona dom' regis ibm' sub custod' mea detēt, virtute prioris brevis dom' regis mihi directi & huic brevi annex'. Ac ante adventum istius brevis præfat' B. G. invenit mihi sufficientem securitatem, viz. A. B. C. D. E. F. & B. G. qui manuceperunt, & quilibet eorum p se manucepit, pro præfato B. G. sub pœna xx. li. quod ipse dampnum vel malum aliquod H. F. in dicto priore brevi nominat' (infra talem diem p. futur') nō faciet, nec fieri procurabit quovismodo. Quas quidem xx. li. præfat' manucaptos concesserunt, & quilibet eor' p se concessit, de terris & catallis suis & cujusbet eor' ad opus dict' dom' regis levare, si dampn. vel malum aliquod eidem H. F. per præfat' B. G. aut per pcuracionē suā interim eveniat ullo modo, &c. Et hæc est securitas pacis quæ pfa' B. G. coram me invenit. Ideo corpus pfa' B. G. corā dom' reg. ad diē & locū infracontent' habere non possum.

W. S. Añ Vic'.

Retorn

Retorn' Pone in Cur' Com'.

Virtute, &c. posui coram Justic' infrascripti
ad diem & locum infracontenti loquelam quæ est
in com' meo per breve dicti domini regis, prout
pater in quadam scedula huic brevi annex'.

W. S. Añ Vic'.

Northr. ff.
Scedula.

Ad Com' meum tent' apud N. in com' præ-
dicto (tali die & anno) coram A. B. & C. D.
sectatoribus cur'.

Loqu. ff.

E. F. querit' versus G. H. de placito debiti : &
sunt pleg. de prof. scilicet I. Doo, & R. Roo.
In cujus rei testimon. I. K. L. M. N. O. & P.
Q. quatuor legales homines ex illis qui record
ill. interfuer' in plena cur' ill. huic scedula sigil-
la sua alternatim apposuer' die & anno supradictis.

W. S. Añ Vic'.

*Retorn' brevis de Falso iudicio cum Re-
cord' non deliberat' est.*

Virtute, &c. in forma infrascript. accessi ad
cur' E. tent. apud N. (tali die & anno) & se-
ctor' ejusdem cur' & I. K. seneschallum ibi
petii Recordum Loquelæ quæ est in eadem cur'
int. partes infrascript. de placito inframentionat.
mihi liberari. Qui quidem Seneschallus & secta-
tores Recordum illud inde mihi liberare noluer'
ob quod executionem dicti brevis minime face-
re potui.

W. S. Añ Vic'.
THE



THE

MANNER and FORM

How to keep a

COURTLEET,

OR A

LAW-DAY,

With all things thereunto ap-
 pertaining, as followeth.

 The Third Book.

First the Steward must make his precept
 to warn the Court thus.

I. W. generosus Seneschal' R. T. milit' mane-
 riū five hundred' sui de A. ballivo ejusdem mane-
 riū salut'. Tibi mando, quod diligent' præmoniri
 fac' curiam vis. Franc' Pleg. maner' præd' te-
 nend' xx. die Octob. prox. sequen' circa horam
 nonam ante meridiem ejusdem diei ad locum

Alton
 Westbrake.

R

con-

consuet. Dat' sub sigillo meo vicesimo die
Septemb. ann, &c.

Per me I. W. Senesc. ibid.

Then enter the Court.

ff. Vis. Franc' Pleg. cum cur T. mil' ibidem
tent' die Jovis, viz. vicesimo die Octobr' anno
regni dñi nostri Jacobi Dei gratia Ang' Franc' &
Hibern' regis, fidei defens. &c. viz. Ang' Franc'
& Hibern' x. & Scot' xlv. p I. W. Senesc' ibid.

Then cause the Bailiff to make three pro-
clamations, and say after the Steward thus

All manner of persons which are resiants
or dozers, and owe suit-royall to this Court
Leet or Lato-day, come in and doe your suit
and answer to your names as you shall be
called, ebery man at the first call, upon pain
and perill that shall fall thereon.

Then call the free suitors and dozers one
after another thus :

L. G. Gent. come into the court, and doe
your suit and service, or else you will be amer-
ced. And when you have called them, all those
which made default, mark them over the head
thus, Laurentius Gaole, in misericordia ihu.
And when all the free suitors be called,
you must write thus, Sunt lib. tenen' hujus
maner' & debent sect' ad hanc Cur' & fecer' de-
fault', id' quilibet eorum in miser' prout patet
per eorum capit'.

Then the Steward must cause the Bailiff
to make 3 proclamations, and then to say
thus. And if any man will be escoined, let
him

him come in, and he shall be received; and all such persons as were essoined the last court, let them come now in & warrant their essoins, or else they will be amerced both for this Court and also for the last, that is, they must appear, and not be again essoined; for if that be suffered, it will hinder the service. And if any desire to be essoined by their Tithing-man or other neighbour, then for the first Court they may be essoined, and their essoiners must be entered as they are in the Hundred court in this book.

Then let the Bailiff say after the Steward, If any man will enter any plaints, let them come forth, and they shall be heard.

Then if any come to have any plaints entered, then enter them as they are entered in the Hundred courts, and if need be, those declarations and pleadings will serve here.

Then call the tithingman of every tithing with his tithing, and demand of him if his whole tithing be there or no, and ask him what Law-day or Hundred-silver he hath brought: this done, receive this money, and swear him thus.

The Tithing-man's Oath.

You shall swear, that you shall make true inquiry, and the same present, of all such articles and things as shall be given you in charge concerning the Kings Majesty, and the Lord of this Leet or Law-day, wherein you shall no concealment make, you shall spare no-

thing meet to be presented within your tithing for love, favour, affection, or corruption, neither shall you present any thing for malice, hatred, or envy; but according as the truth of things have, may, or shall come to your knowledge, by information or otherwise, so shall you make thereof a true presentment without concealment. So help you God, &c.

Then call the whole tithing by name, and swear them thus.

The same Oath which A. B. your tithingman hath on his part taken before you and every of you, you shall for your parts observe, perform and keep in every article and thing which shall be given you in charge at the Leet: so help you God and the contents of this Book.

Then call the Constables of the Hundred, if there be any there, and swear them thus.

You shall swear, that you shall make due inquiry, and the same present, of all such articles & things as shall be given you in charge, and of all and every such thing and things which are, shall, or may come to your knowledge meet to be presented at this Court concerning your office; wherein you shall spare no man for love, fear, favour, affection, or corruption, neither shall you present any man for malice, hatred, or envy; so shall you make both a just and a true presentment thereof without concealment. So help you God and the contents of this Book.

In like manner you shall swear Ale-tasters, Heywards, and other officers, if any such be
answe

answerable, or ought to appear there, according to their particular offices.

Then call to the Bailiff for the names of the Jury, and bid him return them in writing, whereof must be 24. which return made and delivered, bid the Bailiff make an O-yes, and say after you thus:

You good men that be returned to inquire for our Sovereign Lord the King, and the Lord of this Leet or Law-day, answer to your names as you shall be called, every man at the first call, upon pain of amercement.

Then call the Jurors severally by name as they be returned, and prick them openly which appear, and none else; and when 14 or 15 or more have appeared, then call the foreman to the Book, and swear him thus.

The Foreman's Oath.

You shall duly inquire and true presentment make of all such articles and things as shall be given you in charge, the Kings Majesties counsel, your fellows and your own you shall well and truly keep, and not disclose the same, but here in Court you shall present the truth, and nothing but the truth: so help you God and the contents of this book. And then let him kisse the Book to affirm his oath.

Then call the rest of the Jury by 3 or 4 at once, and swear them thus:

Also such oath as A. B. your foreman hath taken before you on his part, you and every one of you shall well and truly observe and keep

on your part: so God ye help, and the contents of this book.

And note that the Steward may impannell any stranger, if there want to make xij. of the Jury, because it is for the service of the King: for a presentment made by fewer then by xij. is traversable.

Jc. Doo.	Juri	Jo. Hye.	Jur.
R. Roo.		Jo. Pye.	
Jo. Den.		Jo. Miles.	
Wil. Fen.		Th. Giles.	
Wal. Neat.		Ri. Cook, &	
Jo. Feat.		Th. Snook.	

Then count them.

This done, then command the Bailiffe to make proclamation, and say thus after the Steward: You good men that be impannelled to inquire for our Sovereign Lord the King, and for the Lord of this Leet or Law-day, draw near and hear your charge, and the Court commandeth all others to keep silence whilest the charge is given, upon pain of imprisonment.

An exhortation to the Jury before the charge.

My masters, you that be sworn, before I enter to give you your charge, I shall exhort you in the fear of God, first of all to remember your duties to Almighty God, next to the Kings Majesty, and lastly to the Lord of this Leet or Law-day, and therein to have a special regard for the good of the commonwealth.

wealth, here within the precinct of the Leet or Law-day. God delibered with his servant Moses in the Mount Sinai ten Lawes or Commandements, which are divided into 2. Tables: the four first, which are the first Table, do teach us our duties to God; the other six, which are the second Table, do teach us our duties one towards another. As the body of Man is subject to many sicknesses and diseases, so a kingdome is subject to many mischiefs and inconveniences: and as the one is often curable by physick, so the other is to be redressed and reformed by the due execution of Lawes, which are as the sinews of the Commonwealth, to keep it in good order; & the execution of the Law is the life of the Law, otherwise it is but as a dead thing: and therefore good Rulers and Magistrates are said to be as fostering Fathers and Mothers to the Commonwealth, as well as natural parents are to their own children; and the subject that honoureth his Prince, the child that honoureth his parents, and the servant that honoureth his or her master or mistresse, ought to honour them of duty in singleness of heart, and not for fear of punishment, or hope of reward. By the ancient Lawes of this Realm, this our kingdome of England is an absolute Empire & Monarchy, consisting of a head, and of a body politick, compact and compound of many members, all which are divided into two generall parts, viz. the Clergie and the Laity; both which, next and immediately under God, ought to be subject and obedient to the King their head; for

he is their head, and they are his members, and he is ordained to this end and purpose, to govern his kingdoms and people, and especially the holy Church, and to defend the same from all errors, and from all works of mischief and iniquity, and to root out all malefactors which do disturb the peace of the Commonwealth, by the due execution of the Laws and Statutes which are made to that end and purpose. All which he hath committed to his Judges and Justices, and other officers, as it is very meet and convenient he should, because they are his substitutes for the well governing of this kingdom. And I must tell you that these Leets and Law-days are very ancient Laws, and they were the first Laws that ever were used here in England, and they were ordained for two causes. The one was, that the King might understand by his Steward upon the view of such persons as appeared before him, how many able men there were within the precinct of every Law-day to do him service in his wars if need should require: for we must understand, that at that time all Leets and Law-days were in the Kings hand, and at this day no man can keep a Law-day, but either by the Kings special grant, or else by title of prescription, which first began by the Kings grant. And the other cause was, for the administration of Justice to the inhabitants within the precinct of every Leet or Law-day. For before the beginning of those Leets or Law-days, there was no Law used, no, nor no Justice ministered, but all onely before the King himself, and where-

wheresoever he was, there was the Law used, and Justice ministred, and in no place else: and then by reason of the great numbers of suitors which resorted to the Court for Law and Justice, oftentimes sicknesses & diseases were brought thither, which did endanger the Kings person; and also by reason of the multitude of suits which were there depending, it was long ere matters could be heard and determined, and very troublesome and chargeable to suitors to repair so far, and stay so long for Justice. For remedy whereof, this Realm was then divided into Counties, and so into Hundreds, Ridings, Lathes, Leets, and Mapentakes, which are all one in effect, though they differ in name according to the Custome of every Countrey. And there is no man living within this Realm, but he is resident and abiding within the precinct of some one of these, and there he ought to appear twice every year, if he be not otherwise privileged by his place or office: and if any wrong be done unto any man under the value of forty shillings, there he ought to have redress, and not else-where. Then these Laws were afterwards confirmed by the Statute of Marlebridge cap. 38. before the making of which Statute, a Lord of a Leet or Law-day might have kept as many Leets or Law-days in a year as he would, and as few. But by that Statute men were limited and appointed to keep but 2 every year, videlicet, one within a month of Easter, and the other within a month of Michaelmas. And afterwards, because men were of sundry opinions,

ons, what things were inquirable at Leets or
 Law-days, and what were not, there was ano-
 ther Statute-law made in the seventeenth year
 of E. 2. by which it appeareth what things are
 inquirable at a Leet or Law-day, and what are
 not; and sithence that time there have been di-
 vers other Statutes made, whereby divers other
 articles are inquirable at Leets or Law-days,
 which before the making of the Statutes were
 not. Now therefore considering that these
 Leets or Law-days were first ordained for the
 causes already delibered by me unto you, consi-
 dering also that the redress of all wrongs, &
 the punishment of all offenders, here within the
 precinct of this Leet or Law-day, resteth in you
 who are here especially elected, sworn & put in
 trust, as the most meetest & worthiest men with-
 in the precinct of this Court for that service,
 it therefore behobeth you to have a speciall
 regard to your oaths therein, that you may
 the better perform the trust which is reposed
 in you; for now it is your parts and duties
 to try right from wrong, and truth from fal-
 hood, and to punish offenders, and to defend
 the innocent. The Prophet Jeremie tea-
 cheth you a good lesson, and that is this, Jura-
 bis, saith he, in veritate, in judicio & in justitia,
 & amovete amorem & timorem, odium & spem,
 that is, you must swear in truth, judgement
 and justice, not regarding the substance, au-
 thority or power of a rich man, nor the im-
 becillity or poverty of a poor man; but rather
 you must follow the rule of that wise philoso-
 pher Plato, who saith thus, that Justum est
 judicium,

Judicium, ubi non persona, sed opera considerantur, that is a right wise judgement, where the person of a man is not regarded, but his offence. Et ex cordibus vestris omnem affectionem expellite, & memores estote quantas minas Deus instituit pro Juramenti violat. You must, if you would doe as you ought to doe, remove all affection out of your minds, and call to remembrance what threatnings God hath layed upon such as have violated their oaths: for it is written in the 14. chapter of Leviticus thus, Qui blasphemat nomen dom̃, morte morietur. that is, He that blasphemeth the name of God shall die the death; and in the fifth chapter of the Acts of the Apostles it was said to Ananias and Sapphira, Non vives, quia locutus es mendac. & confestim occisi fuerunt pro mendac. in vendend Agr̃, that is, it was told them that they should not live any longer, because they had dealt deceitfully, and made a lie to colour their deceit in selling of a field; and they were presently slain for it. If God did then so punish them for making of a lie, which thing is so common now-a-days, what will he doe to them which do not stick to lie and wilfully forswear themselves? Therefore it behoves us to beware, and to learn to be warned by other mens harms, lest we fall into the like judgement of God our selves. In doing well, and performing your duties in this service which you are to take in hand, you shall not onely please God therein greatly, & doe the King & the Lord of this Leet good service, but you shall also doe good to your selves & to your
posse.

posterity, and therein cause the Commonwealth to flourish and increase in godlinesse and piety: but on the contrary part, if you shall be remisse and carelesse in doing of your duties, therein you shall not only offend God very greatly, & incurr the danger of the Kings Lawes, but you shall also embolden and encourage wicked and lewd persons to continue still in their own wickednesse, and to go forward a malo ad pejus, and so to draw on sin upon sin, as it were with cart-ropes, to their utter ruine and destruction. And I would have you to know, that if I find you carelesse and negligent in this service, I may then by the Law impannel another Jury to inquire of your concealments, the which if they shall find, then may I set such fines upon you as I shall think fit, according to the quality of your offence. But I hope that you will give me no such occasion, but rather that you will duly and truly inquire of and present all such things as I shall give you in charge.

And so I will here cease to trouble you any further by way of exhortation, and proceed as God shall enable me with your patience to the particulars of your charge.

Your charge will be somewhat long and tedious, and standeth upon many parts, but I will make it as short as I can, and reduce it into five chief heads or parts, viz.

Pettie Treasons,

Felonies by Statute-law,

Felonies by the Common law,

Offences

Offences upon divers Statutes.
Laws and common annotations.
And so of these in their order.

Petty Treason.

It is petty Treason for a woman to kill her husband, or a Clerk his Ordinary: and the punishment for these offences is death, and loss of lands and goods.

Misprision of Treason.

Pert to this is misprision of Treason, and that is, when any one knows of the Treasons aforesaid, or any of them, and concealeth it twenty four hours, after knowledge thereof had. The punishment for this offence is loss of goods and chattels for ever, and of lands during life, and perpetuall imprisonment.

Felonies by Statute-Law, Rape.

Pert you shall inquire of Felonies by Statute-Law, and therein first of Rapes: and that is, if any man have ravished, or had carnall knowledge of any womans body against her will, or hath stoln or carried away any widow or maid against their wills, and their friends, though it was done to the intent to marry them, yet it is felony, and the offender therein shall suffer death, and lose his lands and goods for it.

18 Ed. 2.
& 1 H. 7.

Hunters

Hunters by night.

1 H. 7.

Next you shall enquire of hunters by night in any forrest, park, chase, or warren, with visards disguised, to the intent not to be known. If they be apprehended and deny it afore a Justice of Peace upon their examination, it is felony; but if they confesse it, it is then but a trespassse, and so finable.

Defacers of a mans Phisnomie.

Next you shall inquire if any man or woman hath defaced anothers phisnomie in putting wilfully his or her eyes out, or cutting out of his or her tongue: either of both is felony, and the offender shall suffer death, and lose lands and goods, 5 H. 7.

Servants imbezelling their Masters goods.

Also you shall inquire of servants which have imbezelled their masters or their mistresses goods, being put in trust therewith: if it amount to xl. s. and upwards, it is felonye, 21 H. 8. cap. 7. and the offenders shall suffer death in this case, and lose lands and goods.

Witches and Sorcerers.

Also ye shall inquire of Witches and Sorcerers: for if any of them have killed or destroyed any man, woman, or child, with Witchcraft

craft or Sorcerie, it is in them felony, and the offendors shall lose both his lands and goods for it, 5 El.

Rebellions.

Also you shall inquire of Rebellions, Riots, 1 & 5 El. and unlawfull assemblies. And that is, where persons to the number of xii. or upwards, do with force unlawfully go about to alter Lawes made by Act of Parliament, or any other Lawe of this Realme; and being required by the Kings officers upon Proclamation to return to their dwellings, and yet do remain together by the space of one hour after such Proclamation made, or after do attempt the like thing, it is felony, 1 Eliz. And so it is where any such number have assembled themselves together to break, or dig up, or cast down any pales, hedges, ditches, or other inclosures, or to pull up any pond-heads, conduits or pipes, to the intent to kill or destroy any Deer in any Park, Conies in any Warren, or Fish in any Fish-ponds; or have fired any dwelling-house, or any barn wherein any corn was laid, or any rick of corn, or ring any Bell, sound any Trumpet, or Drum, wind any Horn, fire any Beacon, or speak any rebellious words, or bring or send any money, victuall, harnesse, or weapon, to any such rebellious persons: it is felony, and the offendors herein shall suffer death, and lose lands and goods. Also there are concealers of these offences, the which if they conceal four or twenty hours, they are to have nine moneths imprisonment, without bail or mainprise: and farmers

farmers and copy-holders ought to lose their farms and copy-holds if they refuse to goe to suppress such rebellion as is aforesaid.

Felonies by the Common Law.

First, you shall inquire of felonies by the Common Law: and that is, where any doth steal to the value of xii. d. or upwards, or doth steal any marked Swans, or their Cignet, or their eggs, or tame Deer, or rob Churches, Chappels, Pigeon-houses, or Dwelling-houses, or any upon the high-way, though he take but the worth of a penny from him, it is felony, and the offender shall die for it, and lose his lands and goods, & so shall their accessory.

Petty Larcenie.

18 Ed. 2.

Also you shall inquire of Petty Larceny; and those be such as steal pigs, geese, hens, chickens, corn out of fields, cloaths from hedges, or out of windows, rob orchards, or goe on thieves messages: the offenders herein are to have corporal punishment, and so their accessories; but they forfeit their goods, if they have any.

Now I must tell you that all those offences which I have already spoken of unto you are but onely to be here inquired of and presented, but not here punished, but they are to be punished by the Justices of the Shire upon certificate made thereof by the Steward of a Leet or Law-day.

But

But now follow the offences which are both here to be inquired of, presented, & punished.

Affrayes and bloud-sheds.

And therefore because man is the worthiest creature that God made, I will first begin to put you in remembrance of the Law made for his safety and preservation. You shall therefore first inquire if any man within your inquiry have broken the Peace, or made any affray or bloudshed: if any have offended herein, you must present him or them, and the manner of it, with what weapon, for that it is forfeit to the Lord of this Leet, and the offender or offenders are to be fined for such offence.

Hue and Cry.

Next you shall inquire whether hue and cry after thieves and robbers have been duly pursued and followed as they ought to have been, or no: if not, then you must present him or them which made default therein, for he forfeits v.l.

Constables and Tything-men to punish Rogues.

Also you shall inquire how Constables and Tything-men have executed their offices in punishing of rogues, vagabonds, and sturdy beggars which have come within their charge: for if they have been remiss therein, then they ought to lose xx. s. for every default. A man

oz woman may be suffered to beg by the law, noz no man oz woman may gibe any alms, upon pain of x. s. for ebery time they gibe.

Who are said to be Rogues.

These persons by particuler are said to be by the statute rogues, viz. Proctors of Spittle-houses, Patent gatherers, oz Collectors for Gaols, Prisons, oz Hospitals, Fencers, Bearwards, common Players of enterludes, Minstrels wandring abroad, Glassemen, Saylers, Soldiers, Scholars, and all other idle persons which goe about begging.

Stocks in every Tything.

Also for the punishment of these offenders, you shall inquire if there be in ebery tything a pair of stocks, according as there ought to be by the statute, oz no: if there be not, then the tything do lose b. li.

Artillery to be maintained.

33 H. 8.
cap. 9.

Also you shall inquire, whether ebery one have Bow and Arrows according to the statute, oz no: for ebery man-child from 7. years old to 17. ought to have a Bow and two Arrows, and ebery man from 17. to 60. ought to have a bow and four arrows, upon pain of xl. s. b. li. d. for ebery default; and parents ought to provide them for their children, and masters for their servants with their wage

ges, or else they ought to undergoe the penalty thereof.

Buts in every Tything.

And also for the exercise of Archers in 33 H. 8. shooting at times convenient, there ought to be butts made in every Tything, Village, and Hamlet, or else the Tything, Village, or Hamlet ought to lose xx. s. for every three moneths wanting butts there.

Playes or Games.

Also you shall inquire if any Alehouse-keeper or other person do keep any unlawful games in his or their house or houses, or elsewhere, as cards, dice, tables, loggets, quoits, bowls, or such like: in this case the house-keeper loseth for every day forty shillings, and every player vi. s. viii. d. for every time. 33 H. 8.

Also Constables ought to search monethly for such unlawfull games and disorders in alehouses upon pain of forty shillings, and they may arrest such as they find playing at unlawfull games, and commit them to ward untill they put in sureties not to play any more at any unlawfull game.

No man may play at any unlawfull game insatiably, unlesse he can dispend C. li. p. an in lands, fees, or offices, for life at the least: and he may not play neither in any open place where every one that will, may see him, but in his house, or in his orchard, or garden, upon

pain of xl. s. iiij. d. for every time, except in the Christmas time; for then all men may play, 33 H. 8.

Shooting in Guns.

33 H. 8.
cap. 6.

Next you shall inquire of such as shoot in hand-guns, or crosse-bows; for no man may shoot in them unless he can dispend C. li. p. an in lands, tenements, offices, annuities, or fees, neither may those shoot at any Pheasant, Partridge, Hern, Duck, Mallard, House-dove, Pigeon, Widgeon, Teal, or Heath-cock, upon pain of x. li. for every shoot.

Also by another Law made 1 Jac. Reg. he that shoots in a gun, crosse-bow, or long-bow at any of the fowls aforesaid, or at any Hare or Deer, and cannot dispend x. pound yearly in lands, nor is worth CC. pound in goods, shall forfeit xx. s. for every shoot, which shall be to the use of the poor of the Parish where such offence is committed, if the same be either confessed, or proved by two witnesses: or else if the offender be not able to pay the said penalty, or will not, then he must have three months imprisonment without bail or mainprise. But if such offender can dispend x. li. p. an or more, then he shall forfeit xl. s. to the use aforesaid, and find sufficient sureties that he shall offend therein no more.

But by the same law all such as have play-cards or licences, may kill Crows, Rooks, Choughes, Pies, Jays, Kingdoves, and other small birds for Hawks meat only, with a gun, or otherwise.

Next

Next you shall inquire whether your high-
waies be sufficiently amended and made passa-
ble, as they ought to be, or no; for to that end and
purpose there ought to be two Supervisors cho-
sen in every parish, between Easter and Midso-
mer by the Constables and Church-wardens,
and there ought to be six dates appointed for a-
mending of high-waies, eight hours every day,
upon pain of *xx. s.* to be lost by the Supervisors.
And every one that hath a Cart, ought to send
two able men with it, with tools fit for that
service, or else to lose ten shillings for every
day wanting; and every householder ought to
find an able man for that service, or else to
lose twelve pence for every day wanting. And
they ought most chiefly to amend the waies lea-
ding to Market Towns, and they may gather
stones in any mans ground, and also dig pits
of ten yards square in any mans severall for
stones and rubbish (if it be needfull) filling
the same up again, without danger of Law.
And they must turn springs, if they can, out of
the high-waies; and trees and hedges which
hang over the Kings high-waies, must be cut
and shredde upon pain of *x. s.* for every
default.

Purprestares and Affarts.

Next you shall inquire of Purprestures and 18 E. 2.
Affarts, and that is, where any wall, hedge,
ditch, or house is set, lebled, or abated in the
Kings high-way, or any water-course stopped
or turned into the high-way to hinder the pas-
sage

age of the Kings Subjects, or any way annoy them.

Bounds and Marks.

Also you shall inquire whether any mear-stones or stakes, bounds or marks, between this Lordship and any other, or between tenant and tenant, hath been removed since the last law-day, or before, and not set in the usuall place again; if there be any which have offended herein, you must present them.

High-waies or foot-paths stopped up.

Also if any high-waies or foot-paths to Church, Mill, or Market be stopped or hedged up, which have been accustomed to lie open, you must present him or them which shut it up, for the Kings Subjects must not be stopped of their lawful passage to Church, Mill, or Market.

Common Bridges broken.

Also if any Common Bridges over common streams be broken, that by reason thereof the Kings Subjects cannot pass about their affairs and businesses, you must present those which ought to make them, upon a pain.

Common Pounds broken.

And also if common pounds be broken, so that they will hold no distresse that is brought to them untill they be delivered thence by order of

of Law, you must present those which ought to make such pounds, upon a pain.

Sleepers by day, and walkers by night.

Also you shall inquire of sleepers by day, and walkers by night, to steal and purloin other mens goods and conies out of warrens, fish out of mens severall ponds or waters, hens from hen-rousts, or any other thing whatsoever, for they are ill members in a Common-wealth, and deserve punishment, therefore if you know any such, present them.

Eves-droppers.

Also you shall inquire of eves-droppers, and those are such as by night stand or lie harkening under walls or windows of other mens, to hear what is said in another mans house, to the end to set debate and dissention between neighbours, which is a very ill office, therefore if you know any such, present them.

Forestallers, Regraters, and Ingrossers.

Also you shall inquire of Forestallers, Regraters and Ingrossers, evill members in a Common-wealth.

A Forestaller is he which buyeth or causeth to be bought any victuals whatsoever going to any Fair or Market to be sold, and maketh any bargain for the buying thereof before the same be brought into the Fair or market, or

doth make any motion for the enhancing of the price of any victuals, or doth move or persuade any person coming to the Fair or Market with victuals, to absent and forbear his coming thither with any victuall to be sold there.

A Regrator is he that getteth into his hands in any Fair or Market, any Corn, Tallow, or Candles, or any dead victuall whatsoever brought to any Fair or Market to be sold, and doth sell the same again in any Fair or Market, within four miles next adjoining thereunto.

An Ingrosser is he, or she that doth ingross and get into his or her hands, by buying or promise taken, other than by demise, grant, or lease, of bond or bill, of Corn growing in the fields, or any other Corn, Grain, Butter, Cheese, Fish, or any other dead victuall whatsoever, to the intent to sell the same again for profit.

Their punishment.

For the first offence they ought to have twelve moneths imprisonment, without bail or mainprize, and forfeit the value of the goods bought and sold.

For the second offence they ought to have half a years imprisonment, and to forfeit double the value of the goods bought and sold.

And for the third offence they ought to be sent upon the Pillory, and to lose all their goods and chattels, and be imprisoned during the Kings pleasure.

Cattle sold within five weeks.

Also you shall inquire of such as use to buy
Cattell

Cattell and to sell them again within five weeks, they ought to lose double the value of their Cattell.

Of Butchers.

No Butcher ought to sell in any open Fair or Market any other victuall than that which is good and wholesome for mans body, and for reasonable gains, and not at excessive prices.

Shoemakers.

They ought to make their Shoes & Boots of good and well tanned Leather, and well liquoured, curried, and sewed, to keep men dry of their legs and feet. 5 Eliz.

Tanners.

Also you shall inquire of Tanners that have used the occupation of a Cordwainer, or a Currier, or that have put any Leather to sale, but red Leather, as it came from the Tanne-fat, or that have put any Hide or piece of Leather to sale, before it be well dyed, marked, and sorted, and then sold in open market, or that have tanned any sheep skins.

Glovers.

Also you shall inquire whether Glovers, or white Tawers of Leather, do make any other ware than that which is good and substantial, well tawed and dyed, and not rotten nor tainted,

ted, and sell the same at reasonable prices. And a white tawer may take no calf skins except they be put to him to be tanned, upon pain to lose for every calf skin twenty pence.

Bakers.

Also you shall inquire whether the Bakers do their duties or not, in making of good and wholesome bread for mans body, of sweet corn, and not corrupted, and that they make their bread in weight, according to the price of wheat, in these markets next adjoining, not changing the assise of Bread, but by six pence in weight in increasing or abating, and if they do the contrary, and be thereof duly convicted, then for the first, second, and third time they shall be amerced after the quantity of their fault, and shall lose from time to time their bread so found too light in weight: but if they shall be found faulty herein the fourth time, then they must be set upon the pillory in open market, whose punishment may not be released for gold or silver.

Also a Baker must set his own proper mark upon every loaf of bread that he maketh and selleth, to the end that if any bread be faulty in weight, it may be then known in whom the fault is.

Brewers.

Also you shall inquire of Brewers, and Tipplers, whether they make good and wholesome ale

ale and bær for mans body, or not, and sell and utter the same according to the laws and statutes of this Realm. And also they ought not to put out their sign or ale-stake untill their ale be assayed by the ale-taster, and then to sell, and not before.

Fishers.

Also you shall inquire of Fishers, whether they doe their duties or no, in bringing to the Market such fish as is good and wholesome for mans body, and not corrupt or stinking, and there sell the same at reasonable prices, without taking of any excessive gains, but onely for every twelve pence bestowing one penny clear gains over and besides their charges, and if any fisher shall doe the contrary, then he shall be grievously amerced from time to time, and his fish if it be corrupt and stinking, to be taken from him and openly burned in the Market. 25 H. 8.
cap. 7.
31 H. 8. c. 2.

Also no person may kill or destroy any young fry of fish, in whatsoever River, fresh or salt, nor kill or take any Salmon, or Trout, or any Pike or Pickerill, not being in length ten inches of clear fish or more, nor any Barbell except he be twelve inches long in clear fish or more, upon pain of xx. s. for every fish so taken and killed being not of the severall lengths aforesaid.

Also no man ought to fish with any net or engine, angling onely excepted, but with such net or trammel as every meash shall be two inches

ches and a half wide, except nets onely to take
 Roches, Pennas, Butheads, Gudgeons,
 Geles, and none other fish, upon pain of xx.s.
 for ebery time offending, and losse of the fish
 and the unlawfull net.

Conspiracy of Victuallers.

Also you shall inquire of the conspiracy of Vi-
 tuallers, and that is, where any Butcher, Ba-
 ker, Brewer, Boulterer, or Cook, shall or
 do conspire, promise, or make oath, that they
 will not sell their victuals but at certain prices,
 or if any artificers or labourers do conspire,
 promise, or covenant likewise not to doe the
 work which others have begun, or will doe
 but certain work in a day, or will not work
 but at certain hours and times, then ebery
 such person so conspiring, promising, swea-
 ring, and offending, being thereof lawfully
 convicted, shall forfeit for the first offence x. li.
 If he have it to pay, then he must pay it within
 six daies after his conviction, or else he is to
 have twenty daies imprisonment, and have
 onely bread and water for his sustenance, and
 for the second offence xx. li. to be paid as is a-
 foresaid, or else to suffer punishment on the
 pillory, and for the third offence, he shall lose
 xl. li. to be paid as is aforesaid, or else to be
 set upon the pillory, and lose one of his ears,
 and ever after to be taken as an infamous
 person. And if such conspiracy shall hap-
 pen to be made by any Company or Corpo-
 ration, they shall lose their Corporation, be-
 sides

shows the penalty and the particular punishment aforesaid.

False Weights and double Measures.

Also if any within your inquiry, shall use any false weights or double measures in deceiving of the Kings subjects in buying with a great measure, and in selling with a lesse, the offender therein shall be grievously punished and imprisoned untill he hath made fine with the King for his offence. 51 E. 3.

No man ought to sell any corn, ale, bread or wine, but by a measure sealed with this letter H. upon pain of forfeiture for the first offence vt. s. viij. d. for the second offence xij. s. iiij. d. and for the third offence, twenty shillings, and to be set on the pillorie, to the example of others; and the measure not sealed to be broken: all which forfeitures are to the Lord of the Libertie where such offence is committed, and if it be in a City, or Borough, then it is to the Mayor and commonalty.

Also you shall inquire of such as use to trace hares in the snow, or to kill hares with hare-pipes, or other engines, by an old Law they forfeit six shillings eight pence for every hare so killed, but by a latter law made in the first year of the King that now is, twenty shillings. 1 Jacob.

No Lay-man may lawfully keep any greyhound, or hunting dog, ferrets, or nets, unless he can dispend forty shillings per annum, Freehold: nor no Spirituall man, unless he can

can dispend ten pound per annum, of spiritual promotion, upon pain of a years imprisonment.

Crow-net.

5 Eliz.

Next you shall inquire if there be in every parish and tithing within your inquiry a crow-net, provided to kill and destroy crows, rooks, and coughes, according to the statute or no, if there be not, they ought to lose x. s. for every default, and it is not enough to have one, but it must be used, and scrapes made in the winter to that purpose, upon the like pain: but house-doves and pigeons may not in any case be taken with it.

5 Jacob.

Apparrell.

24 H. 8.

And you shall inquire of such as exceed in apparrell contrary to the statute, for no man except he may dispend xx. li. yearly in lands for his life at the least, or is worth C. li. in goods, ought to wear any silk on his hat, hose, shoes, girdle, scabberd, or spur-leathers, upon pain for every daies wearing of it x. li. and three months imprisonment: and if any man know his servant to offend herein, and do not put him away, and not take him again within a year after, doth forfeit C. li. for every such offence by the same statute, and these persons onely are excepted out of the statute, viz. the Kings Councell, the Barons of the Exchequer, Judges of the Law, Serjeants at Law,

Law, the Kings Physicians, Maiors and Recorders of cities and towns corporate, and their wives.

Refuse to goe to muster.

Also you shall inquire if any have refused to goe to musters; if there be any such, they ought to lose 1*l*. s. and to have 1*l*. dates imprisonment.

Also no man ought to water any hemp or flax in any running stream, upon pain of twenty shillings.

Also you shall inquire if any man have received into his service any servant, and hath kept him by the space of a year, and not sworn to the King according to the statute, his master must be amerced: and the Minister ought not to receive any man to the Communion table before he be sworn to be a liege-man to the King.

41 E. 4.
fol. 26.

Drunkards.

Also you shall inquire of drunkards, for they ought to be presented, and to pay if they be able, for every time they be drunk 6*l*. s. to the use of the poor of the parish where the offence is committed: if not able, then after conviction thereof, they ought to sit six hours in the stocks.

1 Jacob.

Also an alehouse-keeper ought to lose 1*l*. s. for every pot they sell that is not a full quart, and 1*l*. s. for suffering any townsman to sit drinking

1 Jacob.

Drinking in their houses, except he be brought thither by a stranger, and then he may not stay there above an hour.

And brewers by the same Law ought to lose for every barrel of beer or ale vt. s. viii. d. which they lay into any mans seller to be sold there by retail by any that is not licenced to sell ale or beer.

Waifes, straiers, and felons goods.

18 E. 2.

Also you shall inquire of waifes, straiers, and felons goods. Waifes are Cattell stolen and wrested out of the possession of him that stole them, and straiers are Cattell strayed out of their haunt, and they ought to be seised upon to the Lords use, & to be weathred & put into an open place, and not in a covert, to the end the owner may have the view of them, and they must be cried at three market-towns next adjoining to the place where they are strayed, and if they be not challenged within a year and a day, then they belong to the Lord of the soil where they are, by the Law, otherwise not.

Which is all manner of felons goods, which may (presently after the felony is known to be committed) be seised upon, but not taken away but left with the town-ship, for the felon must have his finding out of it so long as he liues unconbicted or attainted: but when he is conbicted or attainted, his goods then properly belong to the Lord of the Leet, if he haue words for it in his Charter, otherwise they belong to the King.

Trea-

Treasure trove.

Also you shall inquire of Treasure troves, either upon the ground, or within the ground: for if any hath been found within the jurisdiction of this Court, it belongs to the Lord of this Leet or Law-day.

Mortmain.

Also you shall inquire if any man hath given any lands in Mortmain, that is, to any Religious house, or Religious person, or to any corporation, guild, or fraternity without licence, such gift is void, and the Lord may enter by way of Escheat.

Also you shall inquire if the pains laid at the last Leet or Law-day be performed or no: if not, then you must present them that have made default, and then those pains must be read to the Jury.

And to conclude, if there shall any other thing come to your knowledge meet to be presented, and by any omitted to be given in charge, you shall as well inquire thereof and present it as the rest.

Then cause the Bailiff to make three proclamations and say thus: If any man can inform the Steward of this Leet, or his inquest of any petty Treason, Felony, petty Larceny, breach of Peace, or of any other matter or thing now given in charge, let them come forth, and they shall be heard.

¶

And

And if any do come in, then swear them thus: that the evidence which they shall give shall be the truth, and the whole truth, and nothing but the truth, so God them help and the contents of this book: then adjourn the Court till after dinner.

Then at your return from dinner, call all the Tithingmen and take their presentments.

And then that done, take the presentments of the Jury, if they be ready with them, or else give them a day to bring in their presentments, and then commonly is the best service done.

Then swear all the officers to their several offices that are then and there to be sworn.

Then adjourn the Court untill the day given to the Jury to bring in their presentments; but if they have no day given them, you may discharge the Court by Proclamation thus: videlicet, according as other Courts are discharged.

Then at the day when the Jury delivers in their presentments, you must first call them by their names, to see if all be there or no, and then ask them if they be agreed of their presentments; if they say they be, then receive their presentments in writing in English, under their hands, for the Stewards warrant, and the Steward must turn them into Latin in this manner, not altering the substance thereof. viz.

Petty Treason.

IN primis, Jur' prædict' dicunt & præsent' sup
eorum sacramentum quod R. S. de A. ge-
ner' apud A. infra jurisdictionem hujus Cur' ut fe-
lo domini regis cent' Angelos aureos & tre-
cent' grossos false & felonice excudebat & fa-
bricabat literis patentibus domini regis inde
prius non obtent' contra pacem dicti domini regis
nunc coron' & dignitat' suas contra formam sta-
tuti in hujusmodi casu edit' & provis.

Felon' comburend' dom'.

Item præsent' quod quidam T. D. de I. yeo-
man tali die, &c. apud I. infra jurisdictionem
hujus Cur' vi & armis, &c. voluntarie ac feloni-
ce ex malitia sua præcogitat' domum cujusdam
I. S. combussit contra pacem domini regis, ideo
præcept' est ballivo seifire omnia terr' tenem't
bona & catalla sua ut respondeat de iisdem Dom' hujus manerii.

Felon.

Item præsent' quod W. P. de I. præd' Labo-
rer, tali die, &c. apud A. infra jurisdictionem
hujus Cur' vi & armis, &c. ac contra pacem
dom' regis claus. cujusd' A. B. apud I. prædict'
fregit & intravit & unam tunicam bysseam vcc'
Satten coloris nigri de bonis & catallis præd' A.
adtunc & ibid' invent' felonice cepit & asporta-
vit, ideo præc' est ballivo seifire ut supra.

Accessarie.

Item præsent quod W. S. de I. prædict. yeoman, infra jurisdictionem hujus Cur consultavit, instigavit, procuravit, confortavit & abettavit quendam H. W. &c. unam vaccam coloris nigri precii xxx. s. de bonis & catallis cujusdam E. F. adtunc & ibidem invent felonice furare, capere, & abducere, ac præd L. virtute consultationis, instigationis, 'procuracion', confortationis, & abettationis præd W. S. præd vaccam tali die & anno, &c. felonice furatus fuit, cepit & abduxit.

Rape.

Item præsent quod A. B. de I. yeoman, tali die, &c. apud I. infra jurisdictionem hujus Cur clausum & domum cujusdam C. D. fregit & intravit & in quâdam K. C. filiam, &c. in pace dei & domini regis existen' insult fecit & ipsam vi & armis adtunc & ibidem cont voluntatem suam rapuit & eam carnaliter cognovit contra pacem, &c.

Felonie.

Item præsent quod A. B. de I. præd yeomā, tali die, &c. apud I. intra jurisdictionem hujus Cur circa horam nonam in nocte ejusdem diei domum & mansionem cujusdam C. D. ut felo domini regis fregit & intravit ea intentione ad spoliand prædict' C. D. & sex Angelos aureos de

de bonis & catallis prædict' C. D. adtunc & ibidem in quadam cista existentes felonice cepit & asportavit contra pacem, &c.

Robberie.

Item præsent' quod E. F. de I. præd' Laborer, tali die, &c. apud I. infra jurisdictionem hujus Cur' vi & armis, ac contra pacem, &c. in quēdam T. B. apud, &c. infra jurisdictionem hujus Cur' in regia via ibidem in pace dei & domini regis existentem insultum fecit & ipsum T. B. adtunc & ibidem spoliavit & sexdecim solidos & unum Angelum aureum de bonis & catallis præd' T. B. in quodam marcipio suo adtunc & ibidem existen' à persona ipsius T. felon' cepit & asportavit cont' pacem domini regis coron' & dignitat' suas, &c.

Huteffius.

Item præsent' quod prædict' T. B. existen' spoliat' levavit magnam Huteff. & proclamationem & præd' E. F. tanquam felo dicti dom' regis dict' die & anno à præd' loco ubi sic spoliat' fuit recenter insequabatur usque ad præd' villam de, &c. & quod nullus inhabit' ibidem præd' felon' super huteff. præd' insequabatur & sic præd' felo evasit in dicti dom' regis contempt', ac contra formam stat. de Winton' in hujusmodi casu edit & provis. ideo p'd villa de, &c. in mis. &c.

Fugam fecit.

Item præsent quod E. L. de I. prædict. yeoman, tali die & anno, &c. apud I. infra jurisdictionem hujus curie quendam spadonem coloris albi precii, &c. de bonis & catallis cujusdam A. B. in communi campo ibidem existentem felonice furatus fuit, cepit & abduxit. Et quod prædict. E. L. pro feloniam prædictam se retraxit & effugit, ideo præceptum est ballivo seiscire duas vaccas de bonis & catallis prædict. E. L. tanquam escaet' & domino forisfacti, & quod salvo custodiantur ad usum domini, vel si sit pro rege ad usum domini regis.

Escape.

Item præsent quod cum quidam B. R. de I. prædict. yeoman captus fuit & arrestatus pro suspitione cujusdam feloniam & in cippis positus quidam I. F. de I. prædict. Laborer, tali die & anno, &c. apud I. prædict. cippos vi & armis ac felonice fregit & prædict. B. R. ad tunc & ibidem evadere & ad largum ire permisit contra pacem. Ideo præceptum est ballivo ut prius, &c.

Felon' in Rescuss.

Item præsent quod T. I. de I. prædict. infra jurisdictionem hujus curie unum vitulum precii, &c. de bonis & catallis cujusdam I. B. ad tunc & ibidem inventum felonice cepit & asportavit. Et quod W. O. ballivus manerii prædict. tali die & anno, &c. apud I. prædict. prædict. T. I. pro suspect' feloniam

lonia prædict' arrestavit & quod W.F. de I. Laborer vi & armis, &c. apud I. prædict' die & anno in prædict' W.O. in pace dei & dict' dom' regis existen' insultum fecit & prædict' T. I. in custod' prædict' W. adtunc & ibidem felonice cepit arripuit & rescussit & ad largum ire permisit contra pacem, &c. Ideo præc' est ut supra, &c.

Felon' Columbar.

Item præsent' quod A. B. de I. prædict' yeoman, tali die & an', &c. apud I. infra jurisdiction' hujus cur' circa horam primam in nocte ejusdem diei quoddam columbare cujusdam, &c. fregit & intravit & quadragint' columbas precii, &c. de bonis & catallis, &c. felon' cepit & asportavit contra pacem, &c. ideo, &c.

Felon' dame Domestice.

Item præsent' quod I.W. de I. prædict' generos. tali die & anno, &c. apud I. infra jurisdictionem hujus cur' quandam damam domesticā & gerent' caperanam circa collum suum precii, &c. de bonis & catallis cujusdam, &c. adtunc & ibidem invenit felonice cepit & asportavit contra pacē, &c. ideo præc' est ballivo ut supra, &c.

Felon' trunco fract'.

Item præsent' quod I. L. de I. prædict' yeoman, tali die, &c. apud I. prædict' infra jurisdictionem hujus cur' circa horam primam in nocte ejusdem diei quendam truncum cujusdam, &c.

fregit & intravit & decem pisces vocat *Pykes*,
prece, &c. de bonis & catallis prædicti, &c. à
trunco ejusdem, &c. adtunc & ibidem felonice
cepit & asportavit contra pacem, &c. ideo, &c.

Pettie Larcenie.

Item præsent quod P. I. de I. prædicti yeoman,
tali die, &c. clausum cujusdam, &c. apud I. fre-
git & intravit & unum mantil' vocat a Towell va-
loris vi. d. de bonis & catallis prædicti, &c.
adtunc & ibidem inventi felon' cepit & asporta-
vit. Ideo, &c.

Venditio in cœmeterio.

Item præsent quod W. B. & T. B. de I. prædicti
Carnifices tali die, &c. infra prædicti vis. Franc
Pleg. posuerunt carnes suas & alia venalia in ec-
clesia & cœmeterio de I. prædicti ad vendendum, easdem-
que ubi divina Servitia celebrantur & humana
corpora sepeliunt vendiderunt contra formam statuti de
Wint. in hujusmodi casu editi & provis. ideo ipsi
in misericordia, &c.

Catalla Waiviat.

Item præsent quod quidam M. S. veniebat in-
fra jurisdictionem hujus curie & huc attulit quæ-
dam bona & catalla per ipsum furat, viz. unum
inducen' linen' valoris, &c. diversis aliis vesti-
mentis Anglice *one smock, one petticoat and one
shirt*, quæ omnia prædicti valent xx. s. & non am-
plius & quæ omnia & singula huc per prædicti M.
allat

allaſ & eadem M. hic infra juridiſt' hujus manerii illa waiviavit reliquit & auſugit per qđ omnia bona & catalla præd' pervenerunt domiñ iſtius manerii Super quod præcept' fuit ballivo ſeiſire in manus domiñ tanquam eſcaet' & domino foriſfact' & ſic fecit & bona & catal. præd' fuer' deliberat' domiñ in iſta cur'.

Communis finis.

Item diſc' quod dant domiñ de certo ꝑ comūni fine ad hunc diem ex antiqua conſuet' 6.s. 8.d.

Defalt' decenar'.

Item præſent' ſuper eorum ſacrament' quod I. R. R. W. & I. W. ſunt reſiantes infra præcinct' viſ. Franc' Pleg. prædict'. Et ad hunc diſc' fecer' defalt', ideo quilibet eorum in miſericordia prout patet ſuper eorum capit'.

Non jur' in decin'.

Item præſent' quod R. W. 2. d. W. F. 2. d. R. B. 2. d. W. G. 2. d. inhabitaver' infr' præcinct' hujus viſ. franc' pleg' per ſpac' unius anni & diei & amplius, & non jurantur domiñ reg. ꝑ legiancia ſua, ideo quilibet eorum in miſericordia prout patet ſuper eorum capit'.

Nocumēt' aquæ.

Item præſent' quod R. C. de I. præd' yeoman, divertit cōem curſum cujuſdam rivolæ ducen' ꝑ domiñ

dom̃ cuiusd̃ T. H. extr̃ rect' curs. quo solebat currē, ideo præc est ei dimittere rivol' ill' currere in suo recto & pristino cursu citra festum, &c. sub poena, &c.

Nocumēt' frondes.

Item præsent' quod est præd̃ sepes de magna crassitudine & quod frondes inde pendent ultra venellam voc' *Kings lane* ad nocumēt' carriag' ultra eandem villam carriand' in defe & W. C. ideo præc est ei succidere five amputa' sepes ill' cit' fest', &c.

Nocumēt' guttura.

Item præsent' quod est quædam guttura ducens à domo five coquina T. I. per quam fordida five aqua fætosa dict' coquida est conduct' in regiam viam ad grave nocumēt' regie viæ & omnium carriag' ultra eandem carriand' per popul' dom̃ regis, ideo præc est ei amovere five obstupare ill' citra fest', &c. sub poena, &c.

Communis via.

Item præsent' quod communis via ducens per campum voc' *le Prebends field*, est cōis via ad ducend' & requitand', & sic usa fuit à tempore cuius contra' memoria hominis non existit, & q' port' & pōs existeñ ultra ulteriorem pont' debent esse manutener' & custod' per terr̃ tenē, & modo non sunt, ideo præc est terr̃ teneñ eand' portam & pontem emendare & reficere ante festum, &c. sub poena, &c.

Nocument' Sterquilini.

Item præsent' quod R. W. erexit quoddam Sterquilin' adversus domum suam prope regiam viam ad nocument' popul' dom' reg. ideo præc' est ei amovere & abscariare ill' citra fest', &c. sub poena, &c.

Nocument' fossat.

Item præsent' quod est quodd' fossat' inscurat' & immundat' in defect' R. S. ad nocument', &c. ideo ipse in misericordia 12. d. Et præcept' est ei escuer' five mundare ill' citra fest', &c. sub poena, &c.

Hospitatrix meretricum.

Item præsent' quod A. B. vidua est communis hospitatrix & receptrix meretricum & mulier' malæ famæ & conversationis ad grave nocument' vicinorum suorum, ideo amerciatur 2. s.

Objurgatrix.

Item præsent' quod N. C. vidua est communis objurgatrix cum vicinis suis & comunis fractrix sepium & custodit quend' W. C. filium suum in domo sua & ipse non est de bona fama five gubernationis, ideo ipse in misericordia prout patet super, &c.

Trespasse.

Trespasse.

Item præsent' quod quidam A. B. serviens W. C. ball' dom' ut fuit deducens cert' catall' cujusd' R. G. usque ad parcum dom' ibidem imparcare, venit quidam D. P. cum violentia magna in parcu præd' cum uno gladio valor 5. s. & ad tunc & ibidem præd' A. B. percussit eum eod' gladio super caput ejus, & effudit sanguin' super eundem A. B. occasione cujus percussionis præd' B. cecidit ad terr' quasi mortuus esset, ideo præd' D. P. in misericordia, & affert per capital' pleg. ad 5. s.

Trespas & verberatio.

Item præsent' quod I. S. fecit affraiam infra jurisdiction' hujus cur' & traxit sanguinem, ideo ipse in misericordia 6. s. 8. d.

Defalt' de Constabul'.

Item præsent' quod W. G. est Constabulari, & non est hic ad vis. franc' pleg' ad præsentand' id quod ad officium illud pertinet, sed fecit defalt', ideo ipse in misericordia 3. s. 4. d.

Commun' appretiatores.

Item præsent' quod R. B. & W. G. sunt communes appretiatores, & debent esse hic ad præsentand' id quod ad offic' illud pertinet, & fecer' defalt', ideo ipsi in misericordia 3. s. 4. d.

Scrutatores

Scrutatores victual' defal'.

Item præsent' præd' R. R. & C. D. sunt scrutatores victual' & essent hic ad vis. franc' pleg' ad præsentand' id quod ad offic' illud pertinet & fecer' defalt', ideo uterque eorum in misericordia 2. s.

Escorates vicorum defalt'.

Item præsent' quod T. I. & W. I. sunt escoratores vicorum, & debent esse hic ad vis. franc' pleg' & fecer' defalt', ideo uterque eorum in misericordia 6. d.

Extrahura.

Item præsent' super eorum sacrm, qd' xx. die Maii añ regn', &c. veniebat infra dominium istud unus equus color' gray de extrahura & remanet in custod' X. D. ad proclamand'.

Item præsent', quod est unus Pullus color' bey, ætatis quatuor añ sive plus qui veniebat infra dominium istud extrahura 9. die Septembris, anno regni, &c. precii 24. s. & remansit in custod' ballivi per spacium unius anni & unius diei post tres proclam' per tres separales dies fact' secundum formam statuti, ideo proprietas ejusdem Pulli est in dño.

Pistor in misericordia.

Item præsent' quod W. M. 12. d. & R. B.
12. d.

12. d. sunt cōes pistorēs humani panis & per diversas vices pinsuerunt panem insalubrem, & freger̃ ass. ideo uterque eorum in misericordia prout patet super eorum capit'.

Braciat' in misericordia.

Item præsenti' quod R. W. 12. d. & I. D. 12. d. sunt cōes braciatores cervisiæ, & bracia-
ver̃ per diversas vices cervisiā insalubrem &
freger̃ ass. ideo quilibet eorum in misericordia
prout patet super eorum capit'.

Tipulator' in misericordia.

Item præsenti' quod E. W. 12. d. & W. X. 12. d. per eorum uxōr̃ sunt cōmes tipulator̃ cer-
vis', & per illicitas mensuras vendiderunt cervi-
fiam, & freger̃ ass. ideo uterque eorum in mise-
ricordia prout patet super eorum capit'.

Pœna ponit'.

Inprimis ordinat' est, quod R. B. faciat & es-
corat' fossat' suum apud inferiorem finem de
great hill field contiū per æstimat' xx. perticat'
citra fest' Nativit' sancti Jo. Bapt' prox' futur'
sub pœna pro quolibet perticat' inde 8. d.

Pœna.

Item ordinat' est, quod T. M. reformat & expo-
nat quand' parcell' terræ nuper per illum incro-
chiat' inter *Wash lane*, & *Pickhams Common*, ante
festum

festum omniū sancti p^x futurū sub pœna p^r quo-
libet perticat non reformat atque exposcit 20. d.

Pœna.

Item ordinat. est, quod nullus permittit ave-
ria sua, viz. boves vel vaccas suas transire &
pascere super communiam hujus domini, sed in
venellis eidem manerio pertinere absque custodi
sub pœna forisfacti domini per quemlibet eorum p^r
quolibet tempore 2. d.

Pœna.

Item ordinat. est, quod W. I. amoveat Ster-
quilinium suum jacens per regiam viam adversus
domum suam ante festum Pasche prox. sub pœna
forisfacti decem solidi domini hujus manerii.

Pœna.

Item ordinat. est, quod I. F. faciat & manuteneat p^r-
tem in claus. suo vocat *great Colmans*, in via ducen-
te ab Alton usque W. sub pœna forisfaciendi domini x. s.

Pœna.

Item ordinat. est, quod quilibet jugulat vel
anulat porcos suos ante festum sancti Michaelis
Archangeli proximum, &c. eosdem servaret sic jugu-
lat sive anulat usque ad festum sancti Johan-
nis Baptistæ tunc prox. sequens sub pœna forisfacti
domino pro quolibet porco pro qualibet septi-
mana tres solidi & quatuor denarii.

Then

Then there rests no more to be done at a Leet or a Law-day, but to minister to every officer his particular oath, and first the Majors oath, if there be one there, and that must be thus :

The Majors Oath.

You shall swear that you well and truly shall serve our Sovereign Lord the King, and his liege-people in the Office of a Major, and as Major of this Town and Borough of p- for and during the space of one whole year now next ensuing, and you shall minister equal Justice as well to the poor as to the rich, to the best of your cunning, wit, and power, and you shall diligently procure such things to be done, as may honestly and justly be to the profit and commodity of the corporation of this town, and also endeavour your self to the uttermost of your power to see all Heresies, Treasons, Felonies, and all other Trespasses, Misdemeanors, and Offences whatsoever to be committed within this Town and Borough, during the time of your office, to be repressed, reformed, and amended, and the offenders duly punished according to the law. And finally you shall support, uphold, and maintain the Commonwealth within this Town, prescribed customs, rights, liberties, jurisdictions, franchises, compositions and all lawfull ord' nances of this Town and Borough. And as concerning all other things appertaining to your office, you shall therein faithfully and uprightly

rightly behave your self for the most quietness, benefit, worship, honesty and credit of this Town, and of the inhabitants thereof. So help you God and the holy contents of that book.

His Oath for the Supremacy by the statute
of 1 Eliz. & 1 Jac. Regis.

I A. B. do here testifie and declare in my conscience, that the Kings Highnesse is the onely Supreme Governour of this Realm, and of all other his Highnesse Dominions and countries, as well in all Spirituall or Ecclesiasticall things or causes as Temporall, and that no forrein prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiorty, preheminance or authorty ecclesiasticall or spiritual within this Realm. And therefore I do utterly renounce and forsake all forrein jurisdictions, powers, superiorties and authorties whatsoever, and do promise that from henceforth I shall bear faith and true allegiance to the Kings Highness, his heirs and lawfull successors, and to my power will assist and defend all jurisdictions, privileges, preheminences, and authorties, granted or belonging to the Kings Highness, his heirs, or successors or united and annexed to the imperiall Crown of this Realm. So help me God and the contents of that book.

The Oath of the Recorder.

You shall swear that you will well and
truly

truly serbe our soveraign Lord the King, and the mayoz, aldermen and burgeses of this town and bozough of W. in the office of Recorder; and as the Recorder of this town and bozough of W. you shall be faithfull and just, and give good advice and counsell unto the mayoz, aldermen and burgeses of this town, for and concerning any matter or cause that shall concern or touch the franchises, liberttes and good orders of this town, whensoever they shall require or desire you so to doe. You shall not utter or disclose any of their secrets or counsell, touching the Fellowship or Corporation of this town, whereby any prejudice, losse, or hinderance, or slander, shall or may arise, grow or be to the same Corporation. And farther you shall doe to your power, wit and cunning, all and ebery thing that shall appertain to your office for the most benefit, worship and credit of this town, and of the inhabitants thereof. So help you God and the contents of this book.

He must also take the Oath appointed by statute for the Mayoz for the Supremacy.

The Oath of the Town-Clerk
or Steward.

You shall swear that you well and truly shall serbe the Mayoz, Aldermen and Burgeses of this town, in the Office of Steward and Town-clerk of this Town and Bozough of W. and truly to see all Plaints, Actions, Processes, and matters in the Courts to be holden

den before the Mayor, Aldermen and Bur-
gesses of this Town, by you or your sufficient
Deputie, according to the custome and liber-
ties of this Town, to be entred and recorded
as they ought to be, after the best of your cun-
ning, wit, or power, taking for the same your
due fees; and the perquisites, issues, profits
and amerclaments of the same Courts, you
shall justly and truly write and extract yearly,
for the lebying and gathering thereof; and you
shall truly and diligently doe and accomplish
all other things appertaining to your said office
after the best of your knowledge, as near as
God shall give you grace. So help you God
and the contents of this book.

He must also take the Oath appointed by
the statutes for the Supremacy.

The Oath of the Coroner, if there
be any.

You shall swear that you well and truly
shall serbe our sobereign Lord the King, and
his liege people, in the office of a Coroner, as
Coroner of this town and bozough of B. and
you shall diligently and truly doe & accomplish
all and every thing and things appertaining to
your Office, after the best of your cunning,
wit and power, for the most quietnesse, profit,
ease and credit of this town, and the inhabi-
tants thereof, taking such fees as you ought to
take by the laws and statutes of this Realme.
So help you God and the contents of this
book.

We must also take the Oath aforesaid for the Supremacy.

The Oath of the Receivers.

You shall swear that you well and truly shall serve the Mayor, Aldermen and Burgesses of this town of P. in the office of Receivership, and as Receivers of the same town, for and during the space of one whole year now next ensuing; and ye shall reasonably and honestly procure the profit of the Corporation of this town in those things which touch your Office: and ye shall also well and truly collect, levie and gather all and all manner Rents, Revenues, Casualties, Duties and Profits, belonging to the said Office, and the same shall truly pay and deliver, and true declaration and account thereof make at the time appointed for payment and accompt thereof to be made, without concealment: and further, you shall diligently give attendance to the Mayor of this Town and Corporation according to ancient custome, and every other thing belonging to your office you shall well and truly doe and accomplish, to the best of your skill or power. So help ye God and the contents of this book.

The Oath of the Chamberlain and generall Receiver.

You shall swear that you well and truly shall serve the Mayor, Aldermen and Burgesses

gesse of this town and borough of B. in the office of Chamberlain or generall receiber of this Town, and therein shall you doe right to all manner of people, both poore and rich, in those things which touch your office. The receipt of the money due or belonging to the Mayor, Aldermen and Burgessees of this Town and Corporation you shall truly and safely keep, and have alwaies in a readinesse, to the use and behoof of the corporation of this town, whensoever occasion shall serue, and not waste or dispend the same, but make true declaration and account thereof, when you shall be thereunto required, without concealment, according to the credit and trust to you committed in this behalf. So God you help, &c.

The Oath of a Burgesse.

You shall swear that you well and truly shall serue our Sovereign Lord the King, his heirs and lawfull successors, and the inhabitants of this town and borough of B. as one of the Burgessees of this town, and shall minister equal justice to poore and rich, after the best of your cunning, wit, and power; and also shall well and truly obserue, perform, fulfill and keep all such good orders, rules and compositions, as are or shall be made, ordered or established by the Common Council of this town, for the good government thereof, in all things to you appertaining. And you shall not utter or disclose any counsell or secret thing or matter touching the fellowship or corporation of this

this town, whereby any prejudice, losse, hinderance, or slander, shall or may arise, grow or be to the same Corporation: but you shall in all things belonging to the fellowship and Corporation of this Town, faithfully, honestly and indifferently behave your self, for the most benefit, worship and honesty of this town, and the inhabitants thereof. So God you help, &c.

The like Oath is to be ministred to an Alderman, mutatis mutandis.

The Oath of the Constables.

You and either of you shall swear that you well and truly shall serve the Kings Majesty, and the Mayor, Aldermen and Burgesses of this town and borough of W. in the office of Constableship, and as Constables of this town, for and during the space of one whole year now next ensuing. You shall endeavour your selves to the uttermost of your powers, to see the Kings Majesties peace to be kept, & watch and ward observed and kept in this town, as hath been accustomed, and as it ought to be. Likewise you shall endeavour your selves to learn & understand the contents of the statute of Winchester. and divers other laws and statutes of this Realm, made for the punishment of rogues, vagabonds, and sturdy beggers, haunting and resorting within the precinct of your office, and punish the offenders accordingly. Also you shall punish all such persons as do or shall play at any unlawfull games, according to

to the statute in that case made and prohibited. You shall also have regard for the maintenance of Artillery within your said office, and that you shall doe and accomplish to the uttermost of your powers. So help you God, &c.

The Oath of the Serjeants.

You and either of you shall swear that you well and truly shall serve the Mayor, Aldermen and Burgesses of this town, in the office of a Serjeantship, and as Serjeants of this town, for and during the space of one whole year now next coming: and you shall well and truly serve, doe and execute all & all manner precepts, warrants and commandments, to you and either of you to be lawfully given and directed, touching or concerning any matter, cause, or process, to be moved, had, or depending in the Kings Majesties Court to be holden within this town, according to the liberties thereof, or at large, and shall make due returns and answers thereunto, and make Certificate thereof, according to the effect of such Precepts, Warrants and Commandments, taking therfore your ordinary fees, and none other. And also you shall diligently give attendance unto Master Mayor, and wait on him, as hath been accustomed, and as you ought to doe, and his commandments and messages truly to doe and say, and not alter the same, so that it may be prejudiciall or hurtfull unto the said Master Mayor or any other. And likewise you shall give attendance and be

aiding and assisting unto the Constables of this Town in any thing that they or either of them shall reasonably and lawfully command or will you to doe: and you shall diligently and truly doe all other things appertaining to your said office, to the uttermost of your power. So help you God and the contents of this book.

The Oath of a Free-man.

You shall swear that you shall be true liege man, and true faith and truth bear to our sovereign Lord the King, his heirs and lawfull successors: and to your power shall aid and assist the Mayor and other officers of this town for the time being, and to them shall be obedient and attendant concerning such things as they or any of them shall lawfully and reasonably will or command you to doe. You shall also well and truly observe, perform, fulfill and keep all such orders and rules as are and shall be made and established by the Common Council of this Town, for the good government thereof, in all things to you appertaining. You shall also give, yield, and be contributory to and with the Corporation of this Town, so far forth as you ought or shall be chargeable to doe. And you shall not by colour of your freedom bear out or cover under you any forrein person or stranger: but according to the best of your skill, wit, cunning & power, you shall uphold & maintain all the Liberties, franchises, good customs, orders and usages of this town & corporation. So help you God, &c.

The

The Oath of the Tithing-man or petty
Constable.

The Oath of the Tithing-man or petty Constable is in all points as the Oath of the Constable, mutatis mutandis; saving further that the Tithing-man must be sworn to be attendant on the Constable when he shall execute his office, being thereunto required.

The Oath of an Ale-taster.

You shall swear that you shall well and truly serve the Kings Majesty, and the Lord of this Leet, in the office of the Ale-taster or Assessor of this Liberty and Hundred, for this year to come. You shall duly and truly see from time to time that the bread brought to be sold be truly weighed, and that the same do contain such weight, according to the prices of wheat, as by the statute in that behalf is provided. Likewise you shall have diligent care, during the time of your being in office, to all the Brewers and Tipplers within your office, that they and every of them do make good and wholesome Ale and Beer for mans body, and that the same be not sold before it be assayed by you, and then to be sold agreeable to the prices limited and appointed by the Kings Justices of Peace: and all faults committed or done by the Bakers, Brewers or Tipplers, or by any of them, you shall make known, and present the same at this Court, whereby due punishment

ment may be inflicted upon them for their offences accordingly. And in every other thing you shall well and truly behave your self in the said office for this year to come. So help you God, &c.

The Oath of fealty to a Free-holder.

You shall swear by the contents of that book, that you will be true and faithful to the Lord of this manor, and shall from henceforth bear, doe and pay to your said Lord, and to his heirs, at terms assigned, all such Rents, Customs and Services, as you ought to pay and doe for all such lands and tenements as you claim to hold of him. So help you God, &c.

The Oath of the Yongling.

This hear you the Steward and the Court, that I shall swear, that I will be a true liege man, and true faith and troth bear to our Sovereign Lord the King that now is, and to his Highness's heirs and lawfull Successors, Kings or Queens of this Realm of England, and other his dominions depending on the same: and I shall with all my power, wit and endeavour, defend and maintain his Highness's right and title to this Realm and dominions against all foreign Princes and foreign Potentates; and shall no felony nor treason commit, nor thereunto assent, but as soon as any treason shall come to my knowledge, I shall make the same to be known to the King's High-

Highnesse, his heires and successors, or to his Highnesse most honourable pryvy Councill, or to such as have or shall have rule and government over his Highnesse Subjects, (which commonly are the Justices of Peace) within four and twenty hours next and immediately after it shall come to my knowledge; and shall be obedient to all the Kings Majesties laws, precepts, and processe proceeding from the same: and in all things I shall well and truly behave my self, like a true and faithfull subject, during the term of my naturall life. So God me help, &c.

The Oath of a Desnier.

You shall swear that you J. S. from this day during your life, shall be faithfull and loyal to our Sovereign Lord the King and to his heires, and true faith and loyalty you shall bear of life, member and terrene honour; and you shall bear of no hurt or damage that may befall them, but you shall disclose it, and to the uttermost of your power you shall defend them. So God you help, &c.

The Oath of the Heyward.

You shall swear that you shall well and truly serve the Kings Majesty and the Lord of this Leet in the office of a Heyward for this year to come: you shall duly and truly execute all such Attachments and other Processe as shall be directed unto you from this Court:
and

and you shall from time to time signifie and present all such Pound-breachers as shall happen to be made within your office. And likewise you shall present all such Cattell estrayed as shall usually come within your office, and in every other thing well and truly behabe your self during the time aforesaid. So God you help, &c.

The Oath of the Affiers.

You and either of you shall swear by the holy contents of this Book, that you will truly and indifferently tax, asseſſe and Affier all such Amerciaments as are presented at this Court: wherein you shall spare no man for love, favour, affection, or corruption, nor raise or inhaunce upon any man (of malice) more grievous Amerciaments then shall be thought reasonable, according to the quality of the offence and the faults committed, and not otherwise. So help you God, &c.

Then must the Steward command all men to stand by, and the two Affiers to stand as near him as they can, and he must read unto them every presentment that ought to be affied, & so that they may rate them accordingly, untill they have done, & then discharge the Court thus:

Conclusion.

The Bailiff must make an D-yes, and say after the Steward thus; If any man have any more to doe at this Court, let him come in,
and

and he shall be heard; or else every man may depart for this time in Gods peace and the Kings: and keep your day here according to custome, if it be a Customary Leet; otherwise it must be upon a new warning. And so God save the King, and the Lord of this Leet or Law-day, and make us all his servants. Amen.

Now I will shew you how Mannors took their beginning, and within what Mannors a Court Baron shall or may be kept, and within what Mannors they may not, as followeth.

Perkins fol. 127. saith, That the beginning of Mannors was, when the King gave a thousand Acres of Land, or more or lesse, to a man and his heirs, to hold of him and his heirs forever. And before the statute of Quia emptores terrarum, A man seised of Land infeoffed another of ten Acres, another of twelve Acres, a third of twenty Acres, to be holden of himself, and the tenants to doe him service, and pay him a quit-rent; and so by this means, by continuance of time out of the memory of man, such Donor or Feoffor had a Manor.

Also, 33 H. 8. tit. Comprise, A man at this day cannot make a Manor: for although that a gift in tail be made to divers to hold of the Donor by services or suit of Court, although this be a tenure, yet it cannot make a Court, for it cannot be without prescription.

Also if a man have a Manor, and all his free suitors but one do commit felony, or die without heirs generall or speciall, whereby their

their land escheats, or if the Lord purchase their lands, the Mannor is destroyed, for it cannot be a Mannor without Suiters, there must be two at the least, as it appeareth by 35 H. 8. tit. Tenures 102. m. And in 26 H. 8. 4. two Copartners made partition of a Mannor, so that either of them had parcell in demesne, and parcell in service: in this case either of them hath a Mannor, and either of them may keep a Court Baron, if either of them have two Suiters; otherwise not. But 12 H. 4. 15. Partition is made of a Mannor, so that one Copartner hath the demesne, and the other the services; suit of Court in this case is suspended, and so long as the Mannor continues so, there can be no Court kept. And 8 H. 7. 4. it is held, that a Court Baron is incident to a Mannor of common right, so that within every Mannor there ought to be a Court Baron, although there be no Suiters belonging to it, or although by partition the suit is suspended, as is aforesaid, and 34 H. 6. 53. But note, that divers are called Mannors, where there are not free Suiters, but only Copiholders, *ad voluntatem Domini secundum consuetudinem Manerii*; and yet those seignories are called Mannors. And there are Court Barons kept to grant Copihold estates, otherwise they cannot be granted by Copie, but by Lease they may, and by that means a Mannor will be utterly destroyed.



THE

MANNER and FORM

How to keep a

COURT-BARON.

¶ **C**Ur̄ Baron I. F. & P. uxor̄ ejus ibid̄
 tent̄ duodecim̄ die Octobris, anno
 regni domini nostri Jacobi, Dei
 gratia Angliæ, Scotiæ, Franciæ & Hiberniæ
 Regis, Fidei defensoris, &c. viz. Angliæ, Frā-
 ciæ & Hibern̄ decimo quinto, & Scotiæ quin-
 quagesimo primo, per me I. W. Seneschall^r
 ibidem.

Then command the Bailiff to make an O-
 pes, and say after you thus, All manner of
 persons that have any thing to doe at this
 Court, draw near and give your attendance;
 and if any man will be essoigned or enter any
 plaints, let them come forth, and they shall be
 heard.

Then let the Bailiff say after the Steward,
 Essoigns and profers of suit or plea three
 times for this Court: and if any will be essoi-
 gned,

igned, let the essoign for suit of Court be entered thus ;

Essoin^r.

I. S. essoin est pro sect' Cur per T. D.

And if any will enter any plaints, then let them enter their plaints thus;

W. K. queritur versus I. H. de placito debiti vel transgres. vel captionis & injustæ detentionis averiorum suor, vel similiter.

Then call the Freeholders, and so many as make default, present their names, and mark them over the heads thus;

m̃ia ij. d.

m̃ia ij. d.

Lib. tenant.

Richardus W. Miles, & M. B. generos. sunt liber tenent' hujus Cur & fecer' default' : Ideo uterque eorum in misericordia, prout patet super eorum capit'.

{ Will. Kelsey.
Joh. Vallot.
Rob. Corse.
Jo. Matthew. }

{ Joh. Newman.
Mattheus Bull.
Joh. Houlst, &
Thomas L. }

Jur.

Jur.

The Foremans Oath.

You shall swear that you as Foreman of this Homage, with the rest of your fellows, shall duly inquire, and true presentment make, of all such Articles and things as shall be given you in charge : and therein you shall spare no man for love, favour, or affection ; nor present any man for malice, hatred, or envy ; but according as things here presentable shall or may come to your knowledge by information

Then call the rest of the Homage, and swear them by four at a time, thus: The same Oath that W. Kelsey your Foreman hath taken befoze you on h's part, you and ebery one of you shall observe and keep on your parts. So help you God and the contents of this book.

Then let the Bailiff call them by name, and bid them stand near and hear their Charge.

An Exhortation to the Jury before the Charge.

Sirs, you that be sworn, before I enter into your Charge, I purpose by Gods assistance to deliver unto you the causes of your assembly here together, which are two. One is, for that you hold lands of the Lord of this Manor, some as Freeholders, and some as Coptholders, and therefore by reason of your tenures you ought to appear at this Court so often as it shall be kept, and here to doe your suit and service, or else to be amerced. And the other cause of your coming hither is, to get knowledge by hearing of the laws and customs of this Court dilated upon unto you; and hereby you may be the better taught, instructed, and enabled to know how to perform your duties in doing well and eschewing evil. And for that you shall the better consider and inquire of, and present all things which are

¶

not

now here presentable, I have ministred unto you a corporal Oath, which oath standeth upon three parts, (that is to say) upon Truth, Judgement, and Justice. It standeth upon Truth, for that you ought to present nothing but the truth, and likewise not to omit any thing that is true and presentable here unpresented. It standeth upon Judgement, that you do not present any thing rashly or unadvisedly, but certainly to know the truth thereof before you do present it. And it standeth upon Justice, that you do not for favour, affection, corruption of money, or other reward, for fear of any mans displeasure, or for any private gain or profit, leave any thing unpresented that is here presentable, neither for malice to present any thing contrary to the truth. These three principall things you ought duly to consider of: and so hoping that you will have a spectall care thereof, according to your oaths and duties, and the trust that is reposed in you, I will cease to trouble you any further at this time by way of exhortation, and proceed to your Charge.

The Charge.

First, you shall inquire whether all such persons as owe suit and service to this Court be here to doe the same or no: and if any make default, you must present their names.

And I must tell you, if there be two Coparceners, or two Jointenants, which do owe suit and service to this Court for any Lands which

which they hold of the Lord of this Manor, the one of them ought to be here to do the same suit, and the other ought to be contributor to his charge.

Also if any Tenant having twenty acres of Land granteth or letteth the same to twenty severall persons, in this case every one of those twenty ought to doe such suit and service as hath been accustomed to be done for the same land.

Also you shall inquire if any Tenant be dead since the last Court, or before, and his death as yet not presented; then you shall inquire what Land he held of the Lord of this Manor, and by what tenure or service he held the same, whether by Knights service, Socage tenure, or by Cople, and what benefit or advantage is fallen to the Lord by his death, whether ward, marriage, relief, escheat, or any other profit, and who is his next heir, and of what age he is, and in whose custody he is.

For if any Tenant which holds by Knights service die, and his heir male under the age of 21 years, and not married, then the Lord shall have the wardship and marriage of such heir male: but if it be a female, and under the age of 14 years, and not married, then the Lord shall have likewise the wardship and marriage of such heir female. And if the heir male be 21 years at the death of his ancestor, or the heir female 14 years, then the Lord shall have only a relief: which is, if they held by a whole Knights fee, C. s. if by the moiety of a Knights fee, L. s. & so as according to the rate of their tenure.

Also if any Tenant which held by Socage tenure be dead, his heir being under the age of 14 years, the Lord ought to have the value of his land for one year for a relief, which is due immediately after the death of the Tenant: and the next of kin to the heir, to whom the inheritance cannot descend, ought to have the wardship of such heir.

Also if any customary Tenant or Copholder hold two parcels of land by herriot service, and by severall copies, if such tenant die thereof seised, the Lord ought to have two herriots.

Also you shall inquire whether any of the Lords tenants be dead without heir generall or speciall: if there be any such, then the Lord ought to have his land by Escheat.

Also if any Bastard hath purchased any land within this Lordship, and is dead without issue of his body lawfully begotten, then the Lord ought to have his land by Escheat.

Also if any Freeholder of this Manor hath committed felony, and thereof hath been attainted, that is, either hath confessed the felony, or hath been convicted by verdict of xii men, or fled, & is thereupon outlawed for the felony; in this case the King must have annuum, diem & vastum in his land, and after it ought to come to the Lord by Escheat.

Also if any Copholder hath committed felony, and thereof hath been attainted, as is aforesaid, then the Lord may enter into his Copihold for a forfeiture.

Also if any Copholder hath leased his Copihold

ptihold for any longer time then a year & a day without the Lords licence, it is a forfeiture of his Copthold, unlesse he may doe it by the custome.

Also if any Coptholder deny to pay his rent, or deny to come to his Lords Court, or deny to be sworn of the homage, or deny to goe with his Lord to suppress Rebels, every one of these denials is a forfeiture of his Copthold.

Also if any Coptholder hath sold any of his Copthold-land by deed, and made libery of seisin thereof according to the deed, it is a forfeiture of so much as he hath so sold.

Also if any Coptholder hath cut down any timber-trees within his Copthold without licence, or lopped any timber-trees there at an unreasonable time of the year, by reason whereof they die, either of both is a forfeiture of his Copthold.

Also if any Coptholder suffer his Copthold tenement to decay and fall down for lack of reparations, it is a forfeiture of his Copthold.

Also if a Coptholder be a Recusant, if his Lord also be not a Recusant, he ought to forfeit his Copthold estate, according to the statute-law made an 35 El.

Also if any Coptholder have surrendered his Copthold tenement into the hands of two of the tenants, since the last Court, to the use of any person, every such surrender ought to be presented at this Court, or else the tenants which took such surrender ought to forfeit their

Copiholds; because it may be thought, if they do not present it, that they goe about not onely to defeat the Lord of his fine, but also to disinherit the party to whose use the same surrender was taken.

Also if any Copiholder, having two Copiholds, hath impaired the one to amend the other, this is a forfeiture of the Copihold that is impaired.

Also if any Villain or Bondman of bloud hath purchased any Land within his Lordship, the Lord may seise both it and such villains goods at his pleasure.

Also you shall inquire whether any Tenant of this Manor hath given any of his lands in mortmain, that is to say, to any religious house, religious person, and their successors, or to any Guild, Fraternitie, or Corporation, and their successors, without the Kings licence, and the Lords of this Manor: for it is here inquirable and presentable, to the end that the Lord, if there be any such grant made, may make his claim within the year and the day, according to the statute in that case made and provided.

Also if any Tenant hath sold his land by deed, and hath not given notice thereof to the Lord, nor he which bought it hath not done his fealty to the Lord, or suit of Court, so that by reason thereof the Lord doth not know who is his tenant, therefore you ought to present it: for it is very needfull and necessary that the Lord should know who is his tenant, by reason of his services and escheats

escheats which may grow due unto him.

Also if any tenant within this Lordship hath suffered any house of husbandry to decay, by taking of the land from it to lay it to another; in this case the Lord ought to have the moiety of the profits thereof to his own use, untill it be made and maintained a Husbandry again: and this you ought to inquire of for the Lords benefit.

Also if any tenant hath inclosed any land which hath been accustomed to lie open, without the Lords licence and the Freeholders, you must present it; for he cannot justify the doing thereof.

Also you shall inquire whether any of the Lords lands within this Manor be withholden from him, and held and occupied without his licence: if there be any such thing, then you must inquire by whom it is withholden, and what land it is, and what it is worth by the year, and how long it hath been withholden, that the Lord may recover his damage for the withholding thereof accordingly.

Also you shall inquire whether there be any rent, custome or service behind and unpaid to the Lord of this Manor, by whom it is due, and what rent, custome or service it is, how long it hath been withholden, and where the land lieth, that the Lord may distrain for the arrearages thereof.

Also you shall inquire if any bailiff or other officer of this Manor hath made any arrest for any rent, custome, or service, due to the Lord of this Manor, and rescous therein hath been

made; you ought then to present him or them which made the rescous, and where and when it was done.

Also if any distresse hath been taken and put into the Lords pound, and hath been taken out from thence without leave or authority of the law, then such taking is a pound-breach, and here inquirable and presentable.

Also if any tenant doth surcharge the common by putting more cattell there then by the custome he ought to have goe there, or by putting of cattell there not commonable, as pigs, goats, and geese, and such like, you must present them.

Also if any tenant of this Manor, having two farms, one in this Manor, and another in another Manor, doth use in the Summer-time or open time of the year, when Corn & Hay is housed, to bring cattell from his other farm unto his farm within this Manor, which have been usually kept at his other farm out of this Manor, this is called chaling and rechaling, and here inquirable and punishable, unlessse these cattell be kept within his own severall grounds, and not in the common fields.

Also if any man hath removed any bounds or marks, meer-stones or stakes, between this Lordship and any other, or between tenant and tenant, you must present their names, for it is an evil office, and they deserve to be punished for it.

Also if any man hath fished, hawked or hunted within this Lordship, without the leave or licence of the Lord of this Manor, you

you must present him ; for they are the Lords Realities, and therefore no man can lawfully come here to doe either one or the other without his leave.

Also if any tenant by reason of his tenure ought to grind at the Lords Mill, if he doe it not, you must present him.

Also if you know any man that keepeth, detaineth or withholdeth any of the Lords evidences of this Manor, as Court-rolls, rentals, or immunitments, appertenant and belonging to the Lord of this Manor, you must present them : for it is fit that the Lord should have the Custody of this evidence himself.

Also if there was any thing pained at the last Court to be done, and as yet it is not done, you must inquire who have made default therein, and present his, hers, or their names. And you shall likewise inquire of all other things which you shall think needfull to be inquired of, by me omitted, and not given you in charge, as well as if I had given you it in charge ; and so bring in your presentment in writing by one of the clock in the afternoon.

Then let the Bailiff make an A-yes, and adjourn the Court till after dinner, thus :

All manner of persons that have any more to doe at this Court, may depart for this time, and keep their hour here at one of the clock in the afternoon.

And then after dinner call the Jury for their presentments : and if they be ready, take them, and swear two Officers to assist them, as befoze at the Last.

This

This being done, let the Batliff make an **A-yes**, and discharge the Court thus: All manner of persons which haue any more to doe at this Court, let them come forth, and they shall be heard, or else they and every one else may depart for this time, and keep their day here upon a new warning: and so God save the King, and the Lord of this Manor.

Fealty to be ministred to a Customary Tenant.

You shall swear that you shall be true tenant, and faith and truth shall bear to the Lord of this Manor, and to his heirs, for all such Customary Lands and Tenements as you claime to hold of him, by vertue of your copy for term of your life: you shall also well and truly bear, pay and doe all such rents, customes and seruitces, as are and shall be from time to time to be payed and done for the said lands to your said Lord, and his heirs: you shall also be justified by your Lord and his officers in every thing, as a customary tenant ought to be justified: and you shall in every other thing well and honestly behaue your self so long as you shall be Tenant. So help you God and the contents of that Book. And so let him kisse the Book to affirm his oath.

But this oath must be ministred before the Court be ended.

The Oath of the Reeve or Bailiff
of a Manor.

You shall swear that you shall well and truly serve the King and the Lord of this Manor for the year to come, in the office of the Reeve or Bailiff of the same Manor: and you shall duly and truly gather all such rents, revenues, or other yearly profits, as shall be extracted out unto you, and thereof you shall make and yield up a true account at the end of the said year: and in every other thing you shall well and honestly behave your self in the said office during the time aforesaid. So help you God and the contents of that book. This must also be done before the end of the Court.

And the presentments are to be put into Latin by the Steward of the Court thus; viz. next after the presentment of the freeholders, for their defaults, the Copiholders thus:

Defalt' de Copiholders.

Item Jur' dicunt super eorum sacm quod W. I. 3. d. & I. R. 4. d. sunt tenentes per copiam Rotulorum cur, & debent sect' cur, & ad hunc diē fecer' defalt'. Ideo uterque eor' in misericordia, put patet super eorum capitibus.

Obitus.

Item present' quod W. N. qui de domino tenuit libere unum mesuagium & trigint' acr
prati

prati & pastur cum pertin' infra dominium istud per fidelitatem & sect' cur, & per reddit' per annum 6. d. obiit de tali statu sic inde seisit'. Et quod R. I. est filius & proximi hares præd W. I. & est ætatis decem annorum. Et ad hanc cur venit præd W. I. & solvit domino pro Relevio vi. d. & fecit fidelitatem.

Alienation.

Item dicunt super eorum sacram, quod G. B. qui de domini tenuit liberum unum mesuag' unum poma & sex acras prati cum pertiñ, per fact' suū Indenta' geren' dat' sexto die I. anno regni, &c. dedit, concessit, barganizavit & vendidit omnia & singula præmiss. præd cum suis pertiñ R. K. de, &c. habend' & tenend' omnia & singula præmiss. præd cum eorum pertineñ præf. R. K. hæred' & assign' suis de capital' dom' feodi illius per reddit' servic' & cons. inde prius debiit & de jure consuet., & præmiss. tenet de domino hujus maner per fideiit' & sect' cur & per reddit' per añ xii. d. Et ad hanc cur dictus R. K. fecit domino fidelitatem.

Legatio.

Item dicunt super sacramentum suum, quod W. A. qui de domino tenuit libere unum mesuagium sive tenement' & viginti acras terr' voc' H. per fidelitatem, sect' cur, & per reddit' per annum vi. d. obiit inde seisit', & per ultimam voluntatem suam in script' fact' geren' dat' xxviij. die Sept' añ, &c. legavit mesuagium sive ten' & præd

præd xx. acr terr quibusdam R. A. & T. A. filiis suis per nomen omnium terr, tenement & hæreditament suorum situat, jacent & existen in I. præd habend & tenend præd mes. five teñt, &c. & præd xx. acr cum pertin' eisdem R. A. & T. A. hæred & assign' suis imperpetuum ad proprium opus & usum ipsor R. & T. hæred & assign' suor imperpet. Ideo præcept est ballivo distringere præd R. A. & T. A. secundum formam statuti in eodem casu provis. ad solvend Relev. & etiam distring' ad fac' fidelitat.

Super Surr'.

Item dicunt super sacram suum, quod R. R. tenens customarius hujus manerii extra cur sursum redd in manus domini per manus W. T. & R. W. duorum customar tenen' hujus manerii, secundum consuet hujus manerii, totu illud mes. & xxx. acr terr prati pascuæ & pastur cum pertinent modo in tenuir siue occupac' R. B. ad opus & usum præd R. R. pro termin' vitæ suæ natural', & post decessum dicti R. R. tunc ad opus & usum T. B. & hæred de corpor dicti T. legit procreat; & pro defect' talis exit de corpor dict' T. B. legit procreat, rem inde I. I. filio R. de I. præd gen', hæred & assign' suis imperpetuum. Et dic' quod præd R. obiit: & nunc ad ista cur præd T. B. venit & petit admit ad omnia & singula præmissa prædict'. Et ad hanc cur dom per I. K. seneschallum suum concessit inde ei seisinam per virgam, habend & tenend eidem T. B. & ha'r de corpor suo legitime procreat; & pro defect' talis exitus rem inde ad opus

opus & usum dicti I. I. & hæred' suorum imperpet. Et præd' T. B. dedit dom' de fine quatuor libras, & fecit dom' fidelitatem, & admissus est inde tenens.

Surr' per Seneschal' capt'.

Ad hanc cur' testat' est per W. T. senesch. qd' W. N. in extremis jacens x. die A. & anno regni, &c. sursum reddidit in manus dom' per manus ejusdem seneschal' absent' cur' in præsentia R. C. R. P. & C. H. unum tenēt voc' M. in quo modo habitat W. G. cum omnibus terr' & tenēt suis infra maner' de I. ad opus & usum M. uxori suæ pro termino vitæ suæ; & post decessum ipsius M. remanere inde W. T. filio præd' W. patris, & G. filia ejusdem W. patris, ac forori præd' W. fil. & hæred' suis: sub conditione tamen sequent', quod si contingat aliquem prædict' W. filii & G. filia obire sine hæred' de corpore suo exeunt, quod tunc ipse vel ipsa qui vel quæ supervixerit habebit & gaudebit teneament' præd' sibi & hæred' suis imperpetuum. Et super hoc venit in istam cur' præd' M. & petit se admitti ad tenēt præd' cum pertinen'; cui dominus per I. K. senesch' suum concessit inde seisinam per virgam habend' sibi in forma præd' ad voluntatem dom' secundum cons. manerii, & dat' dom' de fine pro ingres. suo inde habend', prout patet, &c. & fecit dom' fidelit', & admissus est inde tenens.

Obit'

Obit' de Copiholder.

Item ad hanc curā compertum est per homagium, qd' quidam W. W. fuit unus filic' & har' R. W. defunct', qui quidem W. W. tenuit de domino sibi & hæred' suis secundum cons. hujus maner' medietatem duorum mesuagior' sive tenement' & unius gardini cum pertinen' in I. & diu ante hanc curā obiit inde seisit infra ætatem x. annorum, & in custodia ejusdem R. M. secundum cons. manerii; & quod S. W. est frater & solus hæres præd' W. W. & plenæ ætatis, qui præsens est hic in curā, & petit se admitti tenent' ad omnia terr' & tenement' customar' de quibus ipse præd' W. W. obiit seisit, viz. ad prædict' mediet' duorum mesuagior' sive tenement' tofti & gardini cum pertinen' infra manerium istud: cui dominus per I. K. senesch. suum concessit inde ei seisin' habend' & tenend' sibi & hæredibus suis de dom' per virgam ad voluntatem domin' secundum cons. manerii præd' per reddit' cons. & servic' inde prius debet' & consuet', & dat' domino de fine p' ingress. suo, prout patet in capite: & fecit domino fidelitat', & admissus est inde tenēs.

Surr' in Cur'.

Item ad hanc curā venit I. T. & sursum reddidit in manus domini decē acras terr' sive plus sive minus cum pertinen' vocat' S. quatuor ac' terræ sive plus sive minus vocat' K. & quatuor acras prati sive plus sive minus vocat' C. customar', ad opus & usum R. B. generos', hæred' & assignat'

assignat' suorum, imperpetuum, per virgam ad voluntatem domini secundum consuetudinem maner' præd'. Cui quidem R. B. domin' p seneschal' suum concessit inde ei seisin', habend' sibi & hæ' suis de domino per reddit' x. s. per ann' & alia servic' inde prius debit', & dat' dom' de fine p ingress. inde habend' 4. li. Et fecit dom' fidelitatem, & admissus est inde tenens.

Obitus de parcenero.

Item homagium dic' super sacram' suum, quod quidam R. S. qui de dom' tenuit ut parcenarius per consuetudin' maner' novem ac'r' terr' customar' cū una grāgia simul cū T. S. fratre suo sibi & hæ' suis, obiit citra ultimam cur' sic seisit'; & quod quidam I. S. est filius & prox' hæres ejusdem R. quoad medietatem præd' terr' & grangia præd', & est ætatis octo annor'. Et super hoc tā custod' prædict' I. quam terr' & grāgia prædict' committuntur cuidā S. I. ut prob. amico suo, &c. Et invenit pleg' in cur' E. N. ad reddend' præf. I. de proficuis inde cum ad ætatem quatuordecim annorum pervenerit.

Encroachment.

Item dic' super sacram' suum, quod R. W. incrochiavit super vast. dom' apud C. in longitudine x. virgat', & in latitudine unæ virgat': ideo ipse in misericordia, &c. Et ordinat' est quod exponat easdem ante festum sancti Jo. Baptist. prox' sub pœna forisfact' dom' pro qualibet virgat' 2. s. 6. d.

Rescons.

Rescous.

Item dic' super fact' suum, quod G.B. ball' domini tali die & an', &c. infra dominium istud distringebat H. H. pro redditu domini tunc per præd' H. aretro & non soluto, & quod præd' H. ad tunc & ibid' rescuss. fecit super eund' G. B. ideo ipse in misericordia, &c.

The form and manner of others grants and surrenders, as well of Copiholders of inheritance, as also of Copiholds for lives, as followeth.

Broxhead.

ff. Ad Cur' manerii ibid' tenē 14. die Feb' anno, &c. venit N. R. & cepit extra manus domini unum mesuagium & dim' peciæ sive virgāt' terr' cum suis pertinen' in B. nuper in tenura I. A. habend' sibi & R. R. filio suo, & A. modo uxore dicti N. pro termino vitæ eorum, & alterius eorum diutius viven', successive, secundum cōs. manerii præd', per reddit' & servic' inde prius debīt & de jure consueť, & dat' dom' pro tali statu sic inde habend' 3. li. Et fecit domino fidelitāt', & admissus est inde tenens, &c. Et fidelitas prædict' R. & A. respectuatur quousque.

Per I. W. Senesc. ibid'.

Forisfactio de Cop. & recapit.

Ad hanc curiam, &c. homagium præsent, quod P. C. reliquit nuper I. C. quæ de domino tenuit durant viduitate sua secundum consuetudinem manerii unum mesuagium, &c. cum pertinentiis in A. cepit in virum R. L. per quod forisfecit statum suum in præmissis, & sic rem in manibus dominus: super quo proclamata facta est, si quis, &c. Et super hoc venit prædictus R. L. & cepit extra manus domini mesuagium, &c. cum suis pertinentiis, habendū sibi pro termino vitæ suæ secundum consuetudinem manerii prædicti per redditum & servicium inde prius debuit & de iure consuetudinis & daret domino de fine pro tali statu sic inde habendū 6. li. Et fecit domino fidelitatem, & admissus est inde tenens.

Concess. reversion.

Ad Curiam, &c. venit W. H. & cepit extra manus domini reversionem unius mesuagii, &c. cum pertinentiis in Y. modo in tenura I. H. videlicet nuper uxor W. H. habendū & tenendū reversionem prædictam præfatus W. H. & B. filio suo pro termino vite eorum, & alterius eorum diutius viven, successive, secundum consuetudinem manerii prædicti, cum per mortem, sursum redditionem, vel aliquam forisfacturam per præfatum I. aliquo modo factam sive perpetratam ad manus domini accideret contingerit, per redditum & servicium inde prius debuit & de iure consuetudinis & daret domini de fine pro tali reversione sic inde habendū 7. li. Et fidelitatem respectuam quousque, &c.

Obitus

Obitus.

Jur præsent quod I. C. qui de domino tenuit unum tenement. cum suis pertin' in Y. in quo I. C. pater præd I. nuper habitavit, diem suum clausit extremum circa ult' cur, unde accidit dom' pro heriot' unus bos precii xl. s. & delibera't ad usum dom' hujus manerii, de quo proclam' fact' fuit in cur, si quis, &c. Super quam venit Anna relict' prædict' I. & clamat præmiss. duran't viduitate sua secundum consuetudinem manerii per reddit' oper' consuet' & servic' inde prius debi't & consuet', &c.

Surr' & recaptio.

Ad hanc Curiam venit C. W. qui de domino tenuit per copiam Rotulo'r cur' dat', &c. unum tenementum, &c. cum pertinentiis in E. quodam in tenura R. C. & ea omnia sursum reddidit in manus domini, & totum statum, titulum & interesse in præmissis, ea intentione, ut placeret domino novum inde concessum sibi præfat' C. W. & aliis facere secundum consuetudinem manerii prædict'; super quam sursum redditionem accid' dom' p' heriot' ex conventionem vigin't solid'. Et in eadem curia venit dictus C. W. & cepit extra manus domini dictum tenement', &c. cum suis pertin', habend' sibi præfat' C. W. R. & I. W. filiis suis pro termino vitæ eorum, & alterius eorum diutius vivent', successive, secundum consuetudinem manerii prædict', redd' opera cons. & servic' inde prius debi't. & jure cons. Et

pro hujusmodi statu & ingressu. sic inde habendū prædicti C. W. dat dominus de fine 16. li. & fecit dominum fidelitatem, & sic prædicti C. W. admissus est inde tenens: & fidelitatem prædicti R. & I. respectuatur quousque, &c.

*Concess. de Copihold de inheritance
per le vierge.*

Ad hanc Curiam dominus concessit extra manus suas per I. F. capital. Senesc. suum T. D. & A. uxorem ejus unum mesurum, &c. cum omnibus suis pertinentiis jacentibus apud B. quibus dominus per Senesc. suum prædictum concessit seisinam habendam sibi & hæredibus suis de domino per virgam ad voluntatem domini secundum consuetudinem manerii prædicti; & dant dominum de feodo pro ingressu inde habendū prout patet in capitulum: & fecit dominum fidelitatem, & admissi sunt inde tenentes.

Concess. pro annuali redditu.

Ad hanc curiam dominus concessit per I. F. seneschalum suum T. B. & M. uxorem ejus unum mesuagium cum 6 acris terræ, &c. cum pertinentiis præfatis T. M. hæredibus & assignatis suis ad voluntatem domini secundum consuetudinem manerii, reddendū inde annuatim dominum hæredibus & successoribus suis, if the Lord be a Bishop, or a Dean, or such like, six shillings eight pence, pro omnibus & singulis servitiis ad duos anni terminos, viz. ad fest. sancti Mich. Archangelus & Annūciationem Beate Marie virginis, æqualibus portionibus; & dant dominum de fine, &c. & fecerunt fidelitatem, & admissi sunt inde tenentes.

Curia

Curia en antient demean.

Ad hanc cur' tent' ibid' tali die & anno A.C. filius & hæres I. C. venit & sursum reddidit in manus domini unum mesuag', &c. in D. infra jurisdictionem hujus cur', ad opus & usum T. H. hæred' & assignat' suorum imperpetuum, virtute barganiæ sive partitionis int' eos fact': & super hoc publica proclam' in eadem curia fact' fuit, quod si quis aliquod jus seu titulum ad eadem mesuagium, terr', &c. vel in aliqua eorum pcel' prætereundere voluit vel haberet, veniret & audiret; & null' venit ad hanc cur'; per quod secundum consuetudinem maner. præd' mesuag. terr', &c. remaner. in manus domini usque ad tertiam proclam' super eisdē factā. Et super hoc dies dat' est partibus prædict' essendi ad prox. cur' maner' præd' ad audiend' inde iudicium suum super præmissis.

Et ad hanc cur. tent' ibid' tali die & tali ann' tam prædict' A. B. quam præd' T. H. venerunt, & super hoc secunda proclam' fact' fuit super præmissis, quod si aliquis aliquod jus vel titulum ad præd' mesuagiū, terr', &c. haber' aut prætenderet, veniret & audiretur; & nullus venit. Et super hoc dies dat' est partibus præd' essendi hic ad prox' cur' maner' præd' ad audiend' inde iudic' suum super præmissis.

Et ad hanc cur' ib' tent' tali die & ann' tam præd' A. C. quam T. H. vener', & super hoc tertia proclam' fact' fuit super præmissis. quod si aliquis aliquod jus vel titulum ad præd' mesuag', terr', &c. vel in aliqua eorum parcel' haberet

vel prætend, veniret & audiretur : & nullus adhuc venit. Et super hoc dom̃ per I. H. Seneschal' suum concessit seisin' de præd' mel', &c. cum eorum pertin' præf. T. H. tenend' sibi hæc & assign' suis secundum cons. maner' præd'. & dat' dom̃ de fine pro ingress. &c. & fecit dom̃ fidelit', & admiss. est inde tenens.

*Alit' in ancient demesne ubi uxor
examinatur.*

Ad cur' tenē ibidem tali die & an' T. B. de N. & E. uxor ejus in præsentia cur' sola examināt & confessa, sursum reddider' in manus dñi unum mes. & dimidia't bovat' terr' cum suis pertin' in D. præd' voc' R. ad opus W. C. de O. unde accidit domino unus equus de heriotto. Et super hoc ven' dict' W. C. & cepit de domino dictū mes. &c. cum pertin' habend' & tenend' sibi & A. uxori ejus sive hæc & assign' ipsius W. imperpet' secund' consuet' maner' præd', per reddit' cons. & servic' inde prius debi't & consuet', & dant domino de fine pro ingress. habend' in dict' mesuag. & cæter' præmiss. &c. Et dat' est eis feis. &c. & fecerunt fidelitatē, & admissi sunt inde tenentes.

Surr' ballivo extra cur'.

Ad hanc curiam, &c. compertum est, quod T. C. extra cur' sursum reddidit in manus I. D. ballivi in præsentia D. R. & aliorum tenentium domini hujus maner' hoc testan' unam acra' terr' in R. quondam T. R. ad opus W. I. cui dominus inde

inde concessit seisin', tenend' sibi & hæred', &c.

A Surrender upon Condition.

Ad hanc curiam, &c. venit I. C. & sursum reddidit in manus domin' unum cotagium jacen', &c. ad opus & usum I. A. tenend' sibi & hæredibus suis de domin' ad voluntatem dom' secundum cōsuetud' maner' sub conditionibus sequen'; videlicet, si præd' I. A. solvat aut solvi faciat præfat' I. C. xl. s. ad festum sancti Johannis Baptist. & omnium sanctor' prox' futur' post dat' hujus cur' æqual' portionibus, quod tunc præsens sursum redditio sit in suo robor' & effect'; & si ipse deficeret in solution' præd' in parte vel in toto, quod ad tunc bene licebit præfat' I. C. & assign' suis reintra' & rehabere præd' cotagium istud sursum reddit' aliqu' non obstante. Et dat' domino de fine, &c. & fecit fidelitat', & admissus est inde tenens.

Concess. de copyhold forisfact'.

Ad cur', &c. tenē tali die & an', &c. præcept' fuit ballivo seisire in manus domini unum tenementum cum pertin' nuper in tenu' I. B. voc' R. eo qd' ipse alienaverit & vendiderit dict' tenement' cuidā T. V. sine licentia dom', &c. Et inde respondebit domino de exit. quousque, &c. Et quod in ista eadem cur' dom' ex sua gratia special' concessit dict' tenement' cum pertin' præfat' I. B. cur' dom' inde concessit seisin' habend' sibi & hæred' suis, &c. de dom' ad volunt. secund' cons. maner' præd', & dat. dom. de fine, &c.

Et fecit dom̃ fidelitatem, & admissus est inde tenens.

Copia pro termino annorum.

Ad hanc cur̃ dom̃ per I. F. Seneschal. suum concessit E. R. unum mesuag', &c. cum pertinentiis voc' A. habend. & tenend' sibi & assign. suis à fest. sancti Mich. Arch. prox. futur' post dat' hujus cur̃ usque ad finem & term̃ quadragint' annor' extunc prox' sequen. & plenar' complendorum, reddendo inde annuatim xx. s. ad duos anni term̃, viz. &c. per æqual' portiones. Proviso semper, quod duran. termin. prædict. præd' dñus inveniet maeremium materiam & ligna toties quoties necessar' fuerit, dict' tenement' ad emendand', reparand' & sustinendum. Et dat' dom̃ de fine, &c. Et fecit dom̃ fidel', & admiss. est inde tenens.

Release in cur. de title.

Ad hanc cur̃ tenē, &c. comperit est quod dom̃ per T. P. Seneschal' suum, ad cur̃ tenē apud C. tali die & anno, concessit ex manu sua W. P. & heredibus suis unam peciam terr' contin. circa tres acras terræ, sive plus sive minus habeat, quondā T. C. in A. jacen' ibid' inter terr' A. B. ex partē Austral' & terr' W. S. ex pte Boreal', habend' & tenend', &c. ad voluntatem dom̃ secund' cons. maner'. Et postea venit quidam A. W. coram præf. T. P. senesch. dom̃, & prætend' habere titulum in præd' pecia terræ, & hic præfens in cur' remisit, relaxavit, & imperpetuum

petuum quiet clamavit præf. W. P. & hæredibus suis per licenc. dom̃ totum jus suum & clameum quæ habet vel habuit, vel in futur. haber' poterit, in præd' pecia terr', & in qualibet inde parcel', ita, viz. quod nec ipse A. nec hæred' sui, nec aliquis alius nomin' eorum, aliquod jus vel clameum in præd' pecia terr' de cætero exigere vel vindicare poterit, sed ab omni aetione juris vel clamei sint exclusi imperpet per præsent' & dat' dom̃, &c. & fecit fidel', &c.

Concessio hæred' post mortem patris.

Ad hanc cur. tent', &c. compertum est quod I. B. obiit seifitus post ultim' cur', qui de domino tenuit sibi & hæredibus suis unum tenement' vocat. E. & obiit inde seifitus: & dicunt quod R. B. filius ejus est & proxim' hæ', & plenæ ætatis, vel infra ætatem, si so it deins age, videlicet, duodecim annorum, & in custodia T. W. vel R. M. frater ejus vel consanguin' ejus est proximus hæres ejusdē & plenæ ætatis, & præsens hic in cur' petit admitti: & admissus est inde tenens, tenend' sibi & hæredibus suis de domino ad voluntatem domin. secundum cons. manerii, &c. & dat. domino de fine, &c. & fecit domino fidelit', &c.

Alit' ubi sunt in taile le rem' ouster.

Ad hanc curiam compertum est quod R. B. de A. ad curiam tent' tali die & anno, &c. apud E. sursum reddidit in manus domini unum tent', &c. vocat. C. ad opus R. C. filii ejusdem R. & A.
uxoris

uxoris suæ, quibus dominus concessit seisinam tenendam sibi & hæredibus de corporibus eorum legitime procreat'. Et si prædicti R. & A. uxor ejus obierint sine hæredibus de corporibus eorum legitime procreat', quod tunc prædicti tenent', &c. cum suis pertinentiis remaneant rectis hæredibus ipsius R. B. Et modo ista cur. informatur per totum homagium, quod prædicti R. & A. obierunt sine hæredibus legitimis inter eos procreat. & prædicti R. B. similiter. Et super hoc ven. I. B. frat. & hæred. prædicti R. B. & pet. admit', & admiss. est tenens, &c. Et per licenc. domini præf. I. B. concessit prædicti tenent', &c. quæ ei remanser. post mortem prædicti R. B. & R. C. & A. ux' ejus reman. W. C. & hæred' suis: qui domum eidem I. B. concess. seisinam tenendam ad volunt' domini secundum cons. maner', & dat. domum de fine, &c. & fecit domum fidelit', &c.

*Aliter pro termino vite cum divers.
rem' onster.*

Ad hanc cur. ven. A. T. & sursum reddidit in manus domini unum mesuag. & octo acr' terr' customar' vocat' I. ut dominus faciat inde ad voluntat' suam, & domum inde habebit seisinam. Et ex gratia sua speciali reconcessit prædicti mes. & terr' prædicti A. B. & K. uxori ejus duran' vita eor'. Ita quod post eor' decessum prædicti terr' & tenent' remaneant rectis hæredibus ipsius A. T. imppet', tenendam eisdem A. T. & I. uxori ejus durat' tota vita eor' per virgā ad voluntat' domini secundum consuet' maner' in forma prædicti salvo jure cujuscumque. Et prædicti A. T. & K. dāt domum de fine, &c. & fecer' fidelit', &c.

Surr.

*Surr' extra Cur' & rem' cum conditione
in extremis.*

Ad hanc cur' compertum est quod R. F. languens in extremis sursum reddidit in manus B. R. extr' cur' per manus I. H. in præsentia A. C. & B. D. tenen' hujus maner' hoc test. unum mesuagium cum pertin', &c. ad opus A. ux' præd R. F. tenend' sibi pro servitio inde debi't secund' consuet' maner' pro termino vitæ suæ, ita quod post mortem dict' A. præd mesuag. rem' I. filio præd R. & A. & hæred' de corpor' suo legit' procreat'. Et si contingat dict' R. obire sine hæred' de corp' suo legit' procreat', tunc præd. mes. remaneat R. filio præd R. & A. & hæred' de corpor' suo legit' procreat' : & si contingat dict. R. obire sine hæred' de corpor' suo legit' procreat', quod tunc præd mes. per executores utriusque eorum diutius viven' vendatur, & denar' inde recepti & provenientes in pauperes & alias eleemosinas dispōerent' vel distribuer', put eis melius videbit' expedire. Quibus dominus inde concessit seisinā tenend' in form' præd ad voluntat' dom' secund' cons. maner'. Et dant domino de fine, &c. & fec' fidelit', &c.

Supplicatio tenen' domino.

Ad hanc cur' venit R. C. instant' suppli'c, put ipse per plurima tempora transact' supplicavit, & profert domino finem annualem ratione exemptionis, ut ipse ex sua gratia special' & favore ob causam senectutis, infirmitat' & debilitatis corporis

poris sui possit exonerari de cætero ab omnibus & singulis inquisitionibus, Jurat' & offic' quibuscunque tam in hac villa quam alibi infra dict' manerium sibi objiciend' & assign': quapropter aspectu vero senectutis, una cum infirmitate & debilitate sua, sub fin' annual' nomine exemptionis inde prolat. ac suggestion' ejus per tenentes visus ipsum veracit' magn. testificat. in præmiss. modo domin' concessit in ista cur' per I. F. seneschal' suum præfat' R. C. licentiam, favorem & exemptionem pro termino vitæ suæ. Et prædict' R. C. dat domino de annual' redd' 4. d. solvend' ad terminos usuales.

Licenc' pro secl' Cur'.

Ad hanc cur' ven' I. S. natus domin' de fine pro secl' Cur' respectuand' per unum annum 2. s.

Licenc. ad maritand' filiam.

Ad hanc Cur. ven' I. S. natus dom' hujus manerii, & petit licentiam ad marit' filiam suam infra dominium istud vel extra: & domin' per I. W. seneschallum suum concessit licentiam, &c.

Licenc. dimittend' tenement' customar'.

Ad hanc cur. venit T. R. & petit licentiam à domino dimittend' omnia & singula terr' & tenement' sua customar' situat' jacent' & existen. infra dominium istud cuicunque personæ sive quibuscunque personis placuerit eidem T. R. pro termino & ad terminum 21 annorum proxim' sequen' dat' hujus cur. Cui quidem

quidem T. R. dominus licentiam dedit in forma
prædicta pro fine decem solidorum solut⁹ in cur.
ad usum domin⁹ hujus manerii.

Note, that there is no manner of estates
made of free land by deed pole or deed inden-
ted, but the like estates may be made by copy
of Court-roll of copyhold land, and of inheri-
tance, and entred into the Court-rolls: and
the Steward is bound by Law and Conscience
to be an indifferent Judge between the Lord
and his tenants, and to enter their copies truly
in the Lords Court-rolls, the which are the
Lords Register to know his presidents, cu-
stomes, and services. And also they are a
great surety to the tenants, that if their co-
pies by any casual means should be lost,
they may resort to the Lords Court-rolls,
and the Steward may make them new co-
pies, according to the old president in the
Lords Court-Roll: like as at the Common
Law, when a matter of variance between
two men is passed by Verdict, and judge-
ment given thereupon, & entred into the Kings
Records, there it resteth of record to be
found, if occasion serve to search for it. And
also if a Deed or a Patent be inrolled,
there it remaineth of record to be seen, if
need be, and any man that hath occasion
may have a copy thereof, if he sue to
the Judges and the Officers of the place
where the record lieth; and he may have it
exemplified under the seal of the office of
the same place where such record lieth, if
he

he will be at the charge thereof. And also if a man have occasion, he may plead the same record in any of the Kings Courts. And the Lords Steward may doe the like with his Court-Rolls.

PLEAS



PLEAS

incident and belonging to the

COURT-BARON,

FORMEDON in REMAINDER.

And this is where there are
Copiholders of In-
heritance.

R. H. querit̃ versus C. E. & A. uxorem
ejus de placito terr̃, viz. de uno me-
suag. duobus cotagiis, viginti acris pra-
ti & pastur̃ cū pertinēt̃iis in l. infra jurisdic-
tionem hujus cur̃; & fecit protestationem prosequi
querelam istam in forma & natur̃ brevis domini
regis de forma donationis in le remanē ad com-
munem legem, & inven' pleg' de prosequend̃
querelam illam in forma & natura brevis, viz.
l. H. & R. M. & petit process. superinde sibi
fieri secund̃ consuetudinem maner̃ prædict̃ ver-
sus præd̃ C. & A. uxore ejus. Ideo secundum con-
fuetu-

suetudinem maner̃ illius à tempor̃ cuius con-
 trã memoria hominum non existit usitat̃ præ-
 cept. est subballivo maner. prædict' ac ministro
 Cur̃ prædict', quod sum̃ per bonos sum̃ prædict'
 C. & A. quod sint coram sectatoribus Cur̃ præd'
 ad proxim̃ curiam manerii prædict' die Jovis,
 viz. 20. die Junii, anno, &c. apud manerium
 præd' tenend', ad respondend' præf. R. H. de præ-
 dicto placito, &c. Idem dies dat̃ est præf. R.
 hic, &c. Ad quam quidem prox' Cur̃ ven' tam
 prædict' R. H. quam prædict. C. & A. per I. R.
 Attorn' suum : & prædictus minister Cur̃ præ-
 dict' retorn' hic in Cur̃, quod ipse virtute præcep-
 ti prædict' sibi directi sum̃ prædict' C. & A. per
 bonos sum̃, viz. per I. C. & R. R. essendi hic
 ad hanc Cur̃ ad respond' præf. R. H. de præ-
 dicto placito prædict' unius mesuagii, duorum
 cotagiorum, viginti ac̃r terr̃, viginti ac̃r prati,
 & viginti ac̃r pastur̃, cum pertinentiis, prout
 sibi præcept̃ fuit, &c. Et super hoc præd' R. H.
 petit versus præf. C. & A. tenementa prædict'
 cum pertinentiis, & jus & hæreditatem suam,
 dicendo quod quidam W. H. fuit seif. de tene-
 mentis præd' cum pertinentiis in dominico suo
 ut de feodo ad voluntatem dom̃ secundum cons.
 manerii præd'. & sic inde seifitus existens, se-
 cundum cons. manerii illius à tempore quo non
 extat memoria hominum usitat̃ & approbat̃ ad
 cur̃ manerii præd' teñ apud I. infra præcinctū
 manerii præd' die Martis proxim̃ post festum P.
 anno regni, &c. per I. A. & T. P. deputat̃ bal-
 livi manerii præd' in præsentia T. C. T. S. R. L.
 I. M. T. R. & I. B. tunc tenentes domin' maner̃
 prædict', sursum reddidit in manus domin' te-
 nement̃

nement prād cum pertin' ad opus & usum cu-
jusdam M. tunc uxoris prād W. H. tenend' ad
terminum vitæ suæ; & post decessum ejusdem
M. prād tenement cum pertinen' integre rema-
nerent cuidam I. H. filio N. H. fratris prædict'
W. H. & hæred' de corpore suo legitime pro-
creat'; & pro defectu talis exit. ejusd' I. prād
ten' cum pertinen' integre remanet' cuidam
E. H. filix prād W. H. tenend' sibi & hæred' de
corpore suo legitime procreat'; & pro defectu
tal' exit ejusdem E. prædict' tenement cum
pertin' integr' remanet' rectis hæred' prædict' W.
H. & hæred' suis imperpetuum. Virtute cujus
quidem sursumredditionis prād M. fuit seisi't
de tenementis prād cum pertinentiis in domi-
nico suo ut de libero tenemento ad voluntatem
dom' secundum cons. manerii prædict' tempore
pacis tempor' prād Regis Jacobi, capiend' inde
exples. ad valenc', &c. Et de ipsa M. remansit
jus per formam sursumredditionis prædict' se-
cundum consuetud' manerii prædict' I. H. per quod
idem I. fuit seisi't de tenement prād cum perti-
nen' in domin' suo ut de feodo talia't ad volunta-
tem dom' secundum consuet' manerii prædict' per
formam sursumredditionis prædict' tempore pa-
cis tempor' dom' Edwardi nuper regis Angl' se-
cundi, capierd' inde exples. ad valenc', &c. Et
de ipso I. post mortem prædict' E. eo quod uter-
que prædict' I. & E. obiit sine hæred' de corpor' suo
legitime procreat' remansit jus per form' sursum-
reddition. prædict' secundum cons. maner' prædict'
isti R. H. qui nunc petit, viz. ut fil' & hæ'r N. H.
fratr' & hæred' prædict' W. H. Et inde produc-
sect', &c.

Et prædict' C. & A. per T. H. Attorn' suum ven' & defend' jus suum quando, &c. Et dic' quod prædict' W. H. non dedit tenement' prædict' cum pertinentiis præfat' R. H. & hæred' de corpore suo exeunt, ita quod si idem W. H. obierit sine hæred' de corpore suo exeunt, tenement' cum pertinentiis præfat' R. H. & hæred' de corpore suo exeunt reman' imperpetuum in forma quæ à prædict' R. H. per breve & narrationem suam præd' supponitur. Et de hoc, &c. Ideo duodecimo, &c.

Plaints de Mortdancestor.

R. C. queritur versus W. L. & E. uxore ejus de placito terr', viz. de uno mesuagio trigint' ac' prati & cent' ac' pastur' cum pertinentiis in I. infra jurisdictionem hujus cur', & fecit protestationem prosequi querelam suam in form' & natur' brevis Domini Regis assise mortis antecessoris ad communem legem, &c. Et petit process. pro eo fieri secundum cons. hujus manerii in forma & natura brevis prædict' dirigend' ballivo & ministris hujus cur'; & qd' iidem ballivi & ministri per mandat' & præcept' dom' hujus manerii & secundum cons. ejusdem maner' suum per bonos suum xii. probos & legales homines de homagio hujus manerii, quod sint coram senesch. ejusdem manerii ad prox. cur' infra maner' istud tenend' parati sacramentum cognoscere, Si R. C. pat' prædict' R. fuit seisi' in dominico suo ut de feodo ad voluntatem dom' secundum cons. manerii istius die quo obiit de & in uno mesuag' trigint' ac' prati & cent' ac' pasturæ de terr' custom' hujus

jus manerii cum pertinen' voc' C. infra jurisdictionem hujus cur' die quo obiit ; & si idem R. pater obiit infra quinquagint' annos jam ultim' elapsos ; & si prædict' R. filius sit propinquus hæres prædict' R. patris : & interim terr' & tenement' prædict' videant : & quod sum' per bonos sum' præd' W. & E. qui easdem terr' & tenement' nunc tenent, quod sint ibi ad audierd' recogn' & inven' pleg. ad prosequend' querelâ suâ præd', viz. I. Doo, R. Roo.

Barres

Et modo hic ad hanc cur' ven' præd' W. L. in propria persona sua, & dic' quod prædict' R. pater prædict' quer' non fuit seisi' in dominico suo ut de feodo ad voluntatem domini secundum cōsuetudinem hujus manerii die quo obiit de prædict. mesuagio & trigint' acr' prati & cent' acr' pastur' cum pertiñ modo & forma prout per præd' quer' prius supponitur. Et hoc petit quod inquiratur per assisam : & præd' querens similiter, &c.

Entrie in le Per & Cui

Ad hanc cur' ven' I. N. in propria persona sua, & queritur versus T. M. de placito terræ, videlicet, de uno mesuagio, uno gardino & uno pomar' cum pertinen'. Et inven' pleg. de prosequendo querelam suam prædict', viz. I. D. & R. R. & protestatur prosequi querelam suam præd' de prædicto mesuagio, gardin' & pomar' cum pertinentiis in L. in natura & forma brevis domini regis de ingress.

ingress. in le Per & Cui, dicendo, quod idem mesuagium, gard & poma cum pertinentiis sunt jus & hared sua secundū cons. manerii præd, & in quæ præd T. M. non habet ingress. nisi per E. nuper uxorem W. M. & fil' R. P. cui præfat R. P. & M. uxor suæ illa dimisit R. M. per rem ipsius I. N. infra quinquagint' annos jam ultim' elapsos, &c. Et petit processum inde sibi fieri versus præfat' T. M. secundum consuet' maner'. Ideo secundum consuet' maner' illius præcept' est I. B. subballivo ejusdem maner' ac ministro cur' prædict', quod secundum cons. manerii præd sum per bonos sum præfat' T. M. quod sit ibi ad prox' cur', scil. 4. die M. proxim' futur', hic tenend', ad respond' præfat' I. N. de placito prædict', &c. Idem dies dat' est I. N. hic, &c.

*Common recoverie in droit patent
by consent.*

Ad hanc curiam venit A. B. civis & mercator L. in propria persona sua, & queritur versus W. W. de placito terræ, videlicet, de uno mesuagio, uno gardin' & una ac'r terr' cum pertin' in I. ten' de isto manerio per copiam rotulorum Cur', & fecit protestationem prosequi querelam suam præd in cur' prædict' in forma & natura b'ris dom' regis de rect' patent' ad communem legem secundum cons. manerii præd; & inven' pleg' de prosequend' querelam suam præd hic in eadē cur', scil. Jo. Den, & R. Fen: & pet' process. superinde fieri versus præf. W. W. secund' cōs. manerii præd. Ideo secundum cons. manerii præd præcept' fuit I. S. ballivo maner' præd ac ministro

ministro cur illius, quod sum præd W. W. ita quod sit hic ad prox' cur maner præd hic, scil. die Sæ 4. die Januari tenend' ad resp. præd A. B. de placito prædict', & quod tunc habeat ibid' nomina sum & hoc breve: & idem dies dat' est petenti hic, &c. Et modo scilicet ad hanc Cur veni præd W. W. in propria persona sua, & in plena cur hic gratis obtulit ad respond' præd A. B. de placit. prædict' per bonos sum suos, scilicet I. D. & R. R. secundum cons. manerii prædict'. Et super hoc modo ad hanc cur prædict' A. B. scil. in propria persona sua venit, & petit vers. præd W. W. mesuag. præd, gardiū & ac'r terr' prædict' cum pertinen' in I. præd tenē de isto manerio per copiam rotulorum cur ist. ut jus & hæreditatem suam, & unde dic' quod ipsemet fuit seisit de tenē præd cum pertinen' in dominico suo ut de feodo & jure secundum consuetudin' manerii prædict' tempor' pacis tempore dom' regis nunc, capiend' inde exples. ad valenc', &c. Et quod tale sit jus suum offert, &c.

Respons.

Et prædictus W. W. venit & defendit jus suum quando, &c. & seisin. ejus, de qua seifina, &c. ut de feod' & jure, &c. & maxim' de tenementis prædict' cum pertinen', & totum, &c. Et ponit se super homagium præd dom' regis cur prædict' secundum cons. manerii præd, & petit recogn' fieri utrum ipse magis jus habet tenend' tenement' præd cum pertin' sicut ille tenet, an prædict' A. B. hab' tenement' prædict' cum pertin' sicut ille superius petit, &c.

Imparlance.

Et præd A. B. petit licentiam inde interloquendū usque horam xi. ante meridiem ejusdem diei; & habeat, &c. & eadem hora dat. est præf. W. hic, &c. Et postea idem A. B. revenit hic in cur̃ isto eodem die ad prædict. horā in ppria persona sua; & præd W. W. licet solemniter exact' non revenit, sed in contemptu cur̃ recessit & default fecit. Ideo secundum consuetudin' manerii prædict' concess. est per cur̃ quod præd A. B. recuperet seisinam suam versus prædict' W. W. de tenementis prædict' cum pertin' secundum cons. maner' præd, tenend' eidem A. B. & hered' suis secund' cons. dicti maner' quiet' de præd W. W. & hered' suis imperpet: & idem W. W. in misericordia, &c. Et modo ad istam cur̃ dom̃ in executione judicii & recuperationis præd per Senesch. suum concessit præfat' A. B. de tenement' prædict' cum pertin' seisin', tenend' sibi hered' & assign' suis per virgam ad volunt. dom̃ secundum cons. hujus manerii; & fecit inde dom̃ finem & fidelit', & admiss. est inde tenens.

Et postea scilicet ad istam eandem cur̃ præd A. B. ad tunc præsens existens ven', ac præd W. W. sursum reddidit in manus dom̃ ten' præd cum pertin' ad opus & usum prædict' A. B. hered' & assignat' suorum imperpet. Et ult' prædict' W. W. remisit, relaxavit, & omnino pro se & hered' suis imperpet quiet' clam præf. A. B. hered' & assignat' suis in sua plena & pacifica possession' & seisin' existen' die confectionis præsent' totū
jus,

ius, statum, titul', clameū, interesse, seu demand' sua quæcunque quæ unquam habuit, habet, seu quovismodo in futurū habere poterit, de aut in tenementis prædictis cum pertinentiis, aut in aliqua parcella eorundem, ita viz. quod nec præf. W. W. nec hæred. sui aut ull. eorum aliquod ius, titulum, statum, clam', interesse seu demand' de aut in tenement' præd' cū pertinentiis suis, nec in aliqua parcel' eorund', de cæter' exigere, clamare seu vindicare poterint nec debent in futurū, sed ab omni actione juris, tituli, clam', usus, interesse & demand' inde petend' imperpet' sint exclusi, & quilibet eorum sit exclusus imperpet' per præsent'. Et præterea præfat' W. W. concessit pro se & hæredibus suis, quod ipse warrant' tenement' præd' cum pertinen' præfat' A. B. & hæredibus suis contra omnes homines imperpetuum.

*Common recoverie in Entrie in le Post
by consent.*

Et postea scilicet ad istam cur' venerunt R. M. & W. M. & querunt versus prædict' M. M. de placito terr', viz. de prædict' oct' ac'r prati, & fec' protestationem sequi querelam istam in form' & natur' brevis domini regis de ingressu super disseisinam in le Post. Et super hoc præd' R. & W. M. in propriis personis suis petunt versus præd' M. M. præd' octo ac'r prati cum pertinen' in l. infra jurisdictionē hujus cur' ut ius & hæreditatē suam, & in quas idem M. M. non hab. ingres. nisi post disseisinam quam H. H. inde injuste & sine iudicio fecit præf. R. & W. infra

trigint' annos jam ulterius elapsos, &c. Et unde dicunt quod ipsimet fuerunt seifiti de prædicto octo acris prati cum pertinen' in dominico suo ut de feodo & jure ad voluntatem domini secundum cons. manerii prædicti, capiend' inde exples. ad valenc', &c. Et in quas, &c. Et inde produc' sect' &c.

Et prædict' M. M. in propria persona sua veni & defend' jus suum quando, &c. & vocat inde ad warrant' prædict' W. T. qui præsens est hic in cur' in propria persona sua, & gratis prædict' octo acris prati cum pertinen' ei warrant'. Et super hoc prædict' R. & W. M. petunt versus ipsum W. T. tenent' per warrant' suam prædict' octo acris prati cum pertinen' in dominico suo ut de feodo & jure ad voluntatem domini secundum cons. manerii prædicti tempore pac' tempor' dom' regis nunc, capiend' inde exples. ad valenc', &c. Et in quas, &c. Et inde produc' sect', &c.

Et prædict' W. S. tenens per warrant' suam defend' jus suum quando, &c. Et ulterius vocat inde ad warrant' C. D. qui scilicet præsens est hic in cur' in propria persona sua, & gratis prædict' octo acris prati cum pertinentiis ei warr', &c. Et super hoc iidem R. & W. M. petunt versus ipsum C. tenent' ad warrant' prædict' octo acras prati cum pertinen'. Unde dicunt quod ipsimet fuerunt seifiti de eisdem octo acris prati cum pertinen' in dominico suo ut de feodo & jure ad volunt. dom' secund' cons. manerii prædicti tempor' pacis tempore domini regis nunc, capiend' inde exples. ad valenc', &c. Et in quas, &c. Et inde produc' sect', &c.

Et prædict' R. & W. M. petunt licentiam inter-

interloquend; & habent, &c. Et postea iidem R. & W. M. revererunt hic in cur' ad istam eandem curiam in propriis personis suis; & prædict' T. licet solempniter exact' fuit non reven', sed in contemptu cur' recessit, & default' fecit. Ideo concess. est, quod prædict' R. & W. M. recuperent seisinam suam versus præfat' M. M. de prædict' octo acris prati cum pertin', &c. & qd' idem M. M. habeat de terra præd' W. T. ad valenc', &c. & quod idem W. T. ulterius habeat de terra præd' C. D. ad valenc', &c. Et idem C. in misericordia, &c. Et super hoc prædict. R. & W. M. petunt præcept' de habere faciend' eis plenar' seisinam de prædict' octo acr' prati cum pertinen' ministro cur' præd' dirigend': & eis conceditur rationabil' hic, &c. Et postea, scilicet isto eodem primo die Aprilis, ven' hic in cur' prædict' R. & W. M. in propriis personis suis, & minist' cui' prædict', videl' R. W. certificavit cur' præd', quod ipse virtute præcept' p'd sibi inde direct' dict' primo die Aprilis habere fecit præf. R. & W. M. plenam seisinam de præd' octo acr' prati cum pertin', prout p' præcept. prædict. sibi mandat' fuit, &c.

Et postea scilicet ad istam eandem curiam prædict' R. & W. M. & prædict' W. T. adtunc præsent' existen' venerunt, ac sursum reddiderunt in manus dom' in eadem cur' præd' octo acr' prati cum pertiñ ad opus & usum præd' M. M. har' & assign. suorum: cui dom' per seneschallum suum prædict' concessit inde seisinam per virgā, habend' & tenend' sibi & hæred' suis ad voluntatem domini secund' consuet' maner' præd', &c. Et ulterius præd' R. & W. M. & W. T. remis-

runt,

runt, relaxarunt, & omnino pro se & hæredibus suis imperpetuum quietæ clam præfat M. M. hæredibus & assign' suis in sua plena & pacifica possessione & seifina existē in plena cur totum jus, statum, titulum, clameum, interesse seu demand' sua quæcunque quæ unquam habuerunt, habent, seu quovismodo in futurū habere poterint, de aut in prædict' octo acr prati cum pertinentiis, aut in aliqua inde parcel', ita viz. quod nec præf. R. & W. M. & W. T. nec hæred' sui aut aliquis eorum aliquod jus, titulum, statum, clameum, interesse seu demand' de aut in prædict' octo acr prati cum pertinentiis suis de cæter' exigere, clamare seu vindicare poterint nec debēt in futurū, sed ab ōni occasion' juris, tituli, clamei, usus, interesse & demand' inde petend' sint exclusi, & quilibet eorum sit exclusus imperpetuum per præsentēs. Et præterea prædict' W. T. concessit pro se & hæ' suis, quod ipse war' præd' octo acr prati cum pertin' præf. M. M. & hæredibus suis cont' omnes homines imperpetuum, &c.

De sur emisset.

G. B. queritur versus R. C. de placito debīt xxx. s. iiij. d. pro eo, viz. quod cum prædict' R. T. decimo die Aprilis ann, &c. apud I. infra jurisdictionem hujus cur' emissit de eodem G. B. tresdecim lineas olei vocat' meat opl pro quindecim solidis & tribus denariis, unam centenam de madder pro quindecim solidis & uno denario, solvend' eidem G. B. cum inde requisit' fuisset, quæ quidem summæ in toto se attingunt ad præd' xxx. s. iiij. d. præd' tamen R. C. licet

licet sapius requisit' prædict' xxx. s. iiij. d. eidē G. B. nondum redd', sed ill' ei hucusque reddere contradixit & adhuc contradic': unde dic' quod deteriorat' est & dampn' habet ad valenē x. s. Et inde produc' seet', &c.

Et prædict' R. C. per I. A. attornatum suum ven' & defend' vim & injur' quando, &c. Et dic' quod ipse non debet præfat' G. B. prædict' xxx. s. iiij. d. nec aliquem denarium inde in forma qua idem G. B. superius versus eum queritur. Ideo conf. est quod prædict' R. C. vadat inde legem suam se duoden' manu pleg. de lege I. M. & R. F. Et vener' cum lege sua hic ad proximū cur' in propria persona sua; & dict' est præfat' Attorn' prædict' R. T. quod tunc hab. hic eundem R. C. magistrum suum in propria persona sua ad perficiend' legem suam prædict', &c.

Ad quē diē hic ven. prædict' R. C. & pfecit inde legē suā p'd se 12. manu prout est superius vad'. Ideo conē est q' p'd quer' nihil capiat p placitū suū p'd, sed sit in mīa pro falso clamore suo inde, &c. & q' p'd def. eat inde sine die.

And as for all other actions which will lie in this Court, you shall find sufficient presidents for them in the Hundred Court, parcell of this Book, whereunto I refer you.

Breve de Grand Cape.

I. W. Seneschallus ballivo ejusdem manerii salutem. Tibi præcipio quod capias in manum dom' per visum proborum & legalium hominum de manerio isto tertiam partem unius mesuag. & viginti acr' terr' cum pertinentiis in I. quam A. I.

in cur̃ ista, &c. clam̃ versus T. I. nuper de I. ut dotem ipsius A. ex donatione pradiet' C. I. quondam viri sui per breve de dote, unde nihil habet pro defectu ipsius T. Et diem captionis scir̃ fac mihi; & sum̃ per bonos sum̃ pradiet' T. quod sit hic ad proxim̃ cur̃ inde respond̃, & ostend̃ quare non fuit hic ad ultimam cur̃ sicut sum̃ fuit. Et habeas ibi nomina eorum quibus hac feceris sum̃. Teste, &c.

Le entrie de grand Cape.

A. quæ fuit uxor C. L. per A. B. atturnatum suum obtulit se ad istam curiam versus T. I. de placito tertiæ partis unius mesuagii & viginti ac̃r̃ terræ cum pertinentiis in I. quæ eadem A. in cur̃ ista hic clamat ut dotem suam ex dotatione pradiet' I. C. quondam viri sui, eo quod tenement' pradiet' sunt infra dominium istud. Et mulieres quæ post mortem virorum suorum de tenementis in I. pradiet' existent̃ dotabiles sunt secundum consuetudinem de eodem manerio A. tempore quo non extat memoria hominum usitat̃ de tertia parte eorundem dotari debent, &c. Et ipse non venit & summon', &c. Ideo per iudicium cur̃ tertia pars pradiet'. cum pertinentiis capiatur in manum domini, &c. Et diem, &c. pradiet' sum̃ quod sit hic ad prox. cur̃, &c.

Petit Cape.

I. W. Seneschallus ballivo ejusdem salut̃. Tibi precipio quod capias in manum domini per visu proborum & legalium hominum de manerio isto
unum

unum mesuagium cum pertinentiis quod A. C. in cur' ista clam' ut jus suum versus B. R. per querel' de forma donationis in le remanet pro defectu ipsius B. & diem captionis scir' fac' mihi ad prox. cur' : & sum' præd' B. R. quod sit hic coram, &c. tali die inde responsur', & ostensur', quare non fuit hic in cur' ista coram, &c. tali die prox. præterit' sicut sum' fuit. Et habeas ibi hoc præcept', & qualiter, &c.

Le entree de petit Cape.

T. Q. ar' & I. uxor ejus per attornatum suum oppon' se quarto die versus H. B. de I. & A. uxore ejus de placit' tertiæ partis octo mesuagiorum & octo virgat' terr' cum pertinen' in I. quam præd' T. & I. in cur' ista clam' ut dotem ipsius I. ex dotatione G. S. quondam viri sui versus eos, & ipse non ven', & habuerunt inde diem hic usque ad hunc diem, scilicet decim. diem, &c. postquam alias comparuerunt hic in cur'. Ideo per judicium tertia pars præd' cum pertinen' capiatur in manum dom'. Et ipsi sum', &c. quod sint hic in die, &c. auditur' inde judicium suum, &c.

Habere facias seisinam.

I. W. Senesch. ballivo ejusdem salut'. Scias quod A. B. in cur' tenta tali die per considerationem ejusdem cur' recuperavit seisinam unam versus B. C. de oct' acr' terr' cum pertinen' in I. per default' B. & ideo tibi præcipio quod eidem A. B. plenariam seisinam de tenement' præd' cum pertinen' sine dilatione habere facias : & habeas ibi hoc præcept', & qualiter, &c. Dat', &c.

THE



The manner and form how
to keep a HUNDRED
COURT, or COURT-
BARON commonly cal-
led a three-weeks Court,
and a Court of ancient
Demefn, as followeth.

First, the Steward must enter in his
Court-Book the stile of the Court, thus;
Cur' R. T. Mil' manerii five hundred de A.
Westbrook tenē ibid' tali die & ann', rectifying
the Kings stile at large, coram A. B. & C. D.
sect' ejusdem Cur'.

This done, then the Bailiff must say, D-
yes, that is, he must make an D-yes, and say,
Essoins and profers befoze the Court three
times: and then say, All manner of persons
that habe any thing to doe at this Court draw
near, and gibe your attendance; and if any man
will be essoined, let him come forth, and he
shall be received; oz if any man will enter a-
ny plaints, let him come, and he shall be
heard.

This

This done, if any man will enter any
plaints, you must enter them after this man-
ner :

A. B. queritur versus C. D. de placito debi-
t, vel de placito transgression, vel de placito cap-
tionis & injustæ detentionis averiorum suorum,
vel simil', &c.

And if any man will be essoined, you must
enter their essoins thus :

I. S. Essoin est pro sect' cur per W. D.

Also there be four other manner of essoins
which are seldome used to be cast, and these
be they : viz. If a man be in the Kings wars,
oz Embassage, oz in any other of the Kings
bustnesse, oz beyond the seas, oz if any man
be sick in his bed, oz if any man be letted oz
hindred by water, so that he cannot come to
the Court : which essoins must be entred after
this manner.

I. S. essonat est quia est in serviç domini re-
gis, &c.

A. S. esson' est quia est ultra mare.

T. S. esson' est quia est de malo lecti.

W. G. esson' est quia non potuit venire
propt fluxum vel altitudinem aquæ.

And there be two other manner of essoins
which are in plea, the one after summons oz
attachment, and the other after issue joyned :
One is to be entred after this manner.

I. S. qui sumon' fuit vel attachiat fuit essendi
hic ad hanc curiã, ad respõdẽd T. K. de placito de-
bit, vel similiter, modo esson' est per D. W. &c.

And the other must be entred after this
manner.

I. S.

I. S. qui habuit diem usque ad hanc cur^a ad exit^u junct^u inter T. K. quer^e & I. W. defend^u modo esson^u est per D. W. &c.

And if it be upon a wager in Law, then it must be entred after this manner :

I. S. qui habuit diem ad hanc cur^a ad faciend^u legem suam versus T. K. quer^e in placito debiti modo esson^u est per W. D.

And in like manner the plaintiff may be es-
soined if he will : and if the one party be es-
soined at one Court, the other party may be
essoined at the next Court following.

And you must understand, that whosoever
will cast any essoin in these Courts, he must
come at the beginning of the Court when pro-
clamation is made, or else he ought not to be
received.

And note also, that in all these cases fol-
lowing the party cannot be essoined : first, if
he have an Atturney in the self-same plea pre-
sent in the Court, or if the party himself be
seen in the Court, or if there be no plea, if
the party made default at the last Court be-
fore, then he cannot be essoined, or if he come
in by Capi corpus, or distresse, or if he come
in the end of the Court, he cannot be essoined, as
appeareth by the statute of Essoins made in
the 21. year of E. 2.

And you must also understand, that for eche-
ry default that the defendant maketh after his
appearance, and day given to answer or to doe
his Law, if he then make default at any day,
he shall be called non-suit, and he and his pled-
ges amerced : and that is where the plaintiff

is a

is a stranger dwelling out of the jurisdiction of the Court, where he finds pledges; if the case should passe against him, his pledges must then pay the defendants cost: which is a thing ever reasonable, but seldome or never used.

And the Steward of the Court, at the beginning of the Court, must inquire of the bailiff how he hath served the attachments and distresses and other precepts to him directed: and if he say that they were served, then call the parties; and if the plaintiff have not his declaration ready when the defendant appeareth, he must be called non-suit, thus. A. B. come forth, and prosecute thy action against C. D. or else thou wilt be non suit. And if he come not forth sedente cur, or come for him, to crave further time to declare, which the Court in discretion may grant him, then he shall be non-suit of course: and if the defendant make default, proccesse must go forth against him. And in a personall Action the proccesses are summons, attachment, and distresse infinite: which attachments and distresses must be reasonable, & not outrageous, according to the statute of Marlebridge, cap. 4. And if the defendant make default upon the attachment or distresse, they being served, and so returned by the bailiff, then the goods so taken by attachment or distresse be forfeit to the Lord of the Court, and the defendant shall also be amerced, and a new Distringas shall goe out against him. And if the defendant appear, and then after make default, he shall be condemned by default, and a nihil dicit entred against him; and the steward

A a

must

must enter both the effect of the declaration for the plaintiff, and of the plea or answer for the defendant.

And if the parties plead to an issue triable by an Inquest, proceſſe must be made to ſummon the Jury, viz. a Venire fac. And if the defendant be condemned either by default, or by verdict, then a Levam fac shall be awarded to make levy of his goods, and thereupon the defendants goods shall be taken, praised, and sold, to ſatisfie the party plaintiff: and if the defendant have no goods whereupon levy may be made, then the plaintiff is without remedy; except it be by a private custome which is used in some places to take the body, then the body may be taken by a capias ad ſatisfac and laid in prison, there to remain untill the plaintiff be ſatisfied. But you must understand that in a County Court, Hundred Court, or Court Baron, there can be no plea held where the debt or damages amount to ten ſhillings or above.

And it is a Maxim in Law, that in all Courts which are not Courts of record, the matter, if it be for debt, ought to be tried by oath, that is, by wager of law by the defendant and not otherwise, unlesse it be by assent of both parties.



*The form of Processe in base
Courts, which are Courts
of Record.*

A Summons.

PRæc est ballivo ibidem quod sum faç C. D.
quod sit hic ad proximũ cur̃ ad respondẽ
A. B. in placito debiti, detentionẽ, trãs, vel simil'.

An Attachment.

PRæc est ballivo ibidẽ quod attachiet C. D. per
bona & catall' sua, quod sit ad prox. cur̃ ad respõ-
dendẽ A. B. de placito debiti, vel simil'.

A Distringas.

PRæc est ballivo ibidẽ quod distring. E. D. per
bona & catall' sua quod sit ad prox. cur̃ ad re-
spondẽ A. B. de plac̃ debiti, &c. Teste I. W.
gen' Senesch. ibidem.

Al. distring. & Plur' distring'.

PRæc est ballivo ibidẽ, sicut al' vel sicut plur' tibi
præceptũ fuit, quod distingas, &c. ut supra.

A Venire fac.

Præc est ballivo ibid quod ven' fac 12. probos & legales hōines de balliva sua quod sint hic ad prox. cur ad triand exit injunct' inter A. B. quer & C. D. def. de placito debiti, vel simil.

And if a full Jury do not appear, then as many as make default, and be not essoined, shall be amerced, and a Decem tales awarded to summon ten moze, as followeth, and the same day giben to the first Jury.

Decem tales.

Præc est ballivo ibid quod venire fac decem tales probos & legales homines de balliva sua, quod sint hic ad prox. cur cum aliis qui sibi ad-tunc & ibidem associantur ad triand exit junct' int A. B. quer & C. D. defend de placito debiti, vel simil'.

At which day as many as make default, and be not essoined, shall be amerced; and then an Octo tales shall be awarded, and after that, if need be, a Sex tales.

And if there appear a full Jury, then both the parties shall have their challenges lawfull to the Jurors; and if the Jury find for the plaint. then they must give cost of suit and damages: and in the like manner they shall assesse damages, if they find for an Adbovant in a Replevin, &c.

A Levare fac'.

Præc ballivo ibid' quod de bonis & catallis C. D. levare fac' 20. s. quos A. B. in hac cur' recuper' vers. eum in placito debiti, vel simil', & pro mis. & custagiis suis 12. d. ita qd' den' illos habeat hic ad prox' cur' ad reddend' præd' A. B. Teste, &c.

And if the Bailiff return that he can find no goods of the said C. D. then if the custome serbe, he may have a Capias to take the body and lay him in prison untill such time as he hath satisfied the party. The form of which precept is thus :

A Cap' ad satis.

Præc est ballivo ibid' quod capiat C. D. & eum in prisona sua salvo custod' fac' quousque satisfacit A. B. tam de 20. s. pro debiti quos præf. A. B. recuperavit vers. eum, quam 12. d. pro mis. & custag. suis, &c. Teste, &c.

And if any goods be taken wrongfully, then the party grieved may have a replevin, which must be made after this manner.

A Replevin.

I. W. gen' Senesch. R. T. mil' R. F. ball' hundred' de A. salut'. Quia A. B. invenit mihi suffic' securitatem tam de clamore suo proseq. quam de averiis suis, viz. uno bove quem C. D. cepit, & injuste detinet, ut dicitur, return' si return' inde adjudicetur ; ideo tibi præcipio pariterque mado

quod bovem præd præf. A. B. sine dilatione repleg. & deliberaſſe fac, & pon' per vad & salvos pleg. præd C. D. quod ſit ad proxim' cur' apud A. præd tenend' ad reſpond' præf. A. B. de placito captionis & inſtæ detentionis bovis præd; & qualiter hoc præcept' meum fuerit execut' mihi ad proxim' cur' apud A. præd tenend' conſtare fac ſub periculo incumbent. una cum hoc præcept'. Dat' ſub ſigillo meo x. die Aprilis, an' reg. dom' noſtri Jacobi dei gratia Angliæ, Franc' & Hib. reg. fidei deſenſ. &c. 15. & Scot' 51.

I. W. gen' Senesc. ibid'.

And if the Bailiff do not deliver the plaintiff his cattell by vertue of the ſaid Replevin, then the plaintiff may have an alias Replevin with theſe words, vel cauſam mihi ſignifices, which Replevin muſt be made after this manner :

Al' replevin.

I. W. gen' Sen' R. T. R. F. ball' manerii ſive hund' ſui de A. ſalut'. Quia A. B. inven' mihi ſufficient' ſecur' tam de clamore ſuo proſequend', &c. as in the other replevin; ideo tibi præcip. pariterque mando, ſicut alias tibi mand', bovem præd eidem A. B. ſine dilatione replegiar' fac', vel cauſam mihi ſignifices quare mandāt mea tibi inde direct' exequi noluiſti aut non potuiſti; & pon' per vad & ſalvos pleg', &c. ut antea in the other replevin.

And if the Bailiff do not deliver the plaintiff his Cattell upon this Replevin, nor ſhew ſuffi-

sufficient cause why he did not, then the party may have a Pluries Replevin, vel causam mihi significes, which must be made verbatim as the Alias Replevin was made, only changing this word alias into pluries. And if the Bailiff return upon any of these Replevins, quod averia elongat sunt ad loca sibi ignot, ita quod averia ill' præf. C. D. deliberat non potuit, then the plaintiff may have a Withernam, which must be made in this manner :

A Withernam.

I. W. gen' Senesch. R. T. milit' R. F. ball' maner' sive hund' sui de A. salut. Cum A. B. invenit mihi sufficient' securit' tam de clamore suo prosequend' quam de retorn' habend' de uno bove, &c. si retorn' inde adjudicetur, quem C. D. apud C. cepit & injuste detinet, ut dicitur ; & præf' ballivus super divers. præcept' mea de repleg. fac' eidem ballivo direct' mihi certificavit, quod præf' bos elongat est ad loca sibi ignot, ita quod visum ejusdem habere non potuit : ideo tibi præcipio pariterque mando, quod capias in Withernam catall' ad valenc' dict' bovis de catall' dicti C. D. ad deliberand' præf. A. B. pro bove præf' sic elongat ; & pon' per vad' & salvos pleg. præf' C. D. ut supra in the first Replevin, &c.

Deliberatio.

I. W. gen' Senesch. R. T. mil. cur' manerii sive p'd' hund' sui de A. R. F. ball' maner' sive hund' necnon I. S. & R. B. ball' hac vice tant' salut. Ex

pte domini regis vobis & cuilibet vrm conjunct' & divisim mando, quod deliberari fac seu unus vrm deliberari fac C. D. averia sua quæ A. B. cepit & injuste detin' contra vad' & pleg. ut dicitur, & quod sum seu, &c. præd' A. B. quod sit hic ad prox' cur' tenend' præf. C. D. inde responsur' de placito præd', & respõsum hujus præcepti mihi constare fac, seu, &c. ad prox' cur'. Dat, &c.

Al' capias in Withernam.

I. W. gen. Senesch. R. T. mil' maner' five hund' sui de A. ballivo hund' de A. necnon A. D. & C. B. bal' meis hac vice tantum itinerañ saluñ. Quia R. E. ball' hund' præd' ad cur' hund' illius coram me ten' apud A. tali die & anno, &c. mihi return', quod virtute warranti mei sibi pluñ direct' accessit ad parcum I. D. apud locum ubi averia prædict' imparcat' & detent' fuerunt per eundem I. D. & averia ill. eunt' & elongat' fuerunt ante adventum suum extr' hund' præd' ad loca sibi ignot' per prædict' I. D. per quod averia præd' ball' præd' repleg. non potuit; quare confid' per cur' volent. malic' ipsius I. obviañ, quod averia præd' I. caperentur in Withern. ad valentiam, &c. & ea præfat' A. B. deliberentur salvo & secur' custodiend' donec eidem A. B. averia sua præd' secundum legem repleg' potestis juxta tenor' mandati mei præd'. Ideo vobis & cuilibet vrm conj' & divisim mando, quod capiat' seu, &c. averia præd' I. D. ad valenç, &c. in Withern', & ea præf. A. B. deliberari fac' seu, &c. salvo & secur' custod' quousque, &c. Et distinga-

gañ

gañ seu, &c. præf. I. D. ita quod sit apud A. ad prox' cur' ibid' tenend. ad respondend' præfat' A. B. de placito præd' & respons. hujus præcepti mei constare fac' seu, &c. ad prox' cur'. Dat' sub sigillo officii mei tali die & anno, &c.

Note, that when the said Replevin is granted, there must be a bond taken of him to whom it is granted, or of some other for him, to appear at the next court, and to prosecute his suit with effect, or else it may be prejudicial both to the granter of the Replevin, and to the executioner thereof: and the form of that bond and condition thereof is this.

An obligation upon a Replevin.

Noverint universi per præsentis me Anton^{us} D. de A. in com' S. gen' teneri & firmiter oblig' Richardo T. Mil' dom' hundred' de A. in decem libr' bonæ & legal' monetæ Angl. solvend' eidẽ Richardo, aut suo certo attornato, executori vel assignat' suis: ad quam quidem solutionem bene & fideliter faciend' obligo me, hæred', exec' & administratores meos firmiter per præsent' sigillo meo sigillat. Dat' x. die Febr' an' regn' dom' nostri Jacobi dei gratia Angl. Scot', Franc' & Hibern' regis, fidei defens. &c. viz. Angl' Franc' & Hibern' 14. & Scotiæ 50.

The Condition thereof.

The Condition of this Obligation is such, that if the aboves bounden A. D. do appear the next Court of the abovenamed Sir R. T.

to be holden within his Manor of A. in the County of Southampton, and then and there prosecute with effect his suit or action against A. B. for the wrongfull taking and detaining of his Cattell, as he hath alledged, and do make return thereof, if return thereof shall be adjudged in the said Court by course of Law, and also do save and keep harmlesse the said J. M. Steward of the said Court, and the Bailiffs, in all things touching or concerning the granting or execution of the said Replevin, without fraud, cobin or delay; that then this present Obligation to be void and of none effect, or else the same to stand, remain and continue in force, strength and vertue.

And if it be ancient demesne, then they use to acknowledge fines, and suffer recoveries of their land which they buy and sell within ancient demesne; and that is by the Kings writ of Right close, issuing out of the Chancery, directed to the Bailiff of the Court: and they are entred in the Court book after this manner.

*Alton Westbrook, the form and manner
of a Fine there.*

Cum Rich. T. & H. uxor ejus ibidem tunc die Jovis, viz. x. die J. an' reg', &c. reciting the stile of the King at large, coram Rich. B. & I. feclatoribus ejusdem cum secundum cons. ejusdem cum a tempore cujus contra memoria hominum non existit.

Ad hanc cum ven' I. M. in propria persona sua,
& pro-

& protulit hic in cur̄ br̄e dict' dom̄ regis de recto clauso versus I. F. & S. ux' ejus ballivo R. T. mil' & H. uxor̄ ejus manerii sui de Alton Westbrook directi in forma juris secundum cōs. maner̄ præd' exequend' & termin', cujus quidem br̄is ten' sequit' in hac verb. Jacob', &c. & sic recitand' tot' br̄ verbat', &c. Super quo præd' I. M. secund' cōs. maner̄ præd' fecit protestation. prosequi breve suum præd' versus præf. I. F. & S. uxor̄ ejus in forma & nat' brevis dom̄ reg. de convent' ad communem legem, ad finem inde int' eos de ten'is præd' cum pertinen. in brevi præd' spec' fiend' & levand', petend' quod præd' I. F. & S. uxor̄ ejus teneant ei convent' de ten'is præd' cum pertin. in Alton W. Et inven. pleg. de p's. breve suum præd', viz. I. D. & R. R. Super quo iidem I. F. & S. uxor̄ ejus solempn. exact' sunt & comparuerunt. Et super hoc iidem I. F. & S. uxor̄ ejus petunt licentiam concordandi cum præd' I. M. de placito prædict', & dant dom̄ pro tali licen' 3. s. 4. d.

Et est conco. d' talis: scil. quod I. F. & S. uxor̄ ejus recogn' ten' præd' cum pertinen' esse jus ips. I. M. ut ill' quæ idem I. M. habuit de dono præd' I. F. & S. uxor̄ ejus; & ill' remiser' & quiet' clam̄ p' se & hæred' suis præf. I. M. & hæred' suis imperpet': & præterea iidem I. F. & S. uxor̄ ejus concess. pro se & hæred' ipsius I. F. quod ipse warr̄ ten' præd' cum pertinen. præf. I. M. & hæ' suis cont' præf. I. F. & S. & hæ' præd' I. F. imperpet'. Et pro hac recog. remission' quiet' clam̄ warr̄ sine & concordia eidem I. M. ded' præf. I. F. & S. uxor̄ ejus xl. marc' sterling, &c.

The stile of the Court must be set down as it is befoze in the fine, mutatis mutandis, and is as occasion shall serbe. Then thus.

The form of a Recovery there.

Ad hanc cur̄ venerunt R. H. & T. S. in propriis personis suis, & protuler̄ hic in cur̄ breve domini regis de recto claus. vers. I. M. ball' R. T. mil' & H. uxor̄ ejus maner̄ sui de Alton Westbrook direct' in forma juris secundum cons. maner̄ præd̄ exequend̄ & terminand̄, cujus quidem brevis tenor sequitur in hac verba; Jacobus, &c. & sic recitand̄ breve verbat' ut sup̄ in the fine. Super quo præd̄ R. H. & T. S. secundum cons. maner̄ præd̄ fecerunt protestationem prosequi breve suū p̄d̄ versus præf. I. M. in forma & natur̄ brevis dom̄ regis de recto ad cōmunem legem. Et invener̄ pleg. de prosequend̄ breve suum præd̄, viz. I. Doo, R. Roo. Et petunt processum eis fieri versus præfat. I. M. secundum cons. manerii præd̄. Et præd̄ I. M. solempnit' exact' comparuit, & venit hic in cur̄ in propria persona sua. Super quo iidem R. H. & T. S. petunt versus præf. I. M. tenem̄ præd̄ cum pertin. ut jus & hæred̄ suam, & in quæ idem I. M. non habet ingress. nisi post disseisin' quam H. H. injuste & sine judicio fecit præf. R. H. & T. S. infra trigint' an', &c. Et unde dicunt, quod ipsimet fuerūt seisiť de tenement̄ præd̄ cum pertinen' in dominico suo ut de feodo & jure tempore pacis tempore dom̄ regis nunc, capiend̄ inde exples. ad valenē, &c. & in quæ, &c. & inde producant sect', &c.

Et

Et præd I. M. in propria persona sua ven' & defend' jus suum quando, &c. Et vocat inde ad warr I. F. qui præsens est hic in cur' in propria persona sua, & grat' tene'm præd ei warr, &c. Et super hoc iidem R. H. & T. S. petunt versus ipsum I. F. tene'm per warr' suam ten' præd cum pertin' in forma præd, &c. Et unde dicunt, quod ipsimet fuerunt seisi't de tene'm præd cum pertin' in dominico suo ut de feodo & jure tempor' pacis tempor' domini regis nunc, capiend' inde exples. ad valenc', &c. & in quæ, &c. & inde produc' sect', &c. Et præd I. F. tenens per warr' suam defend' jus suum quand', &c. Et voc' inde ad warr I. P. qui similiter præsens est hic in cur' in propria persona sua, & gratis ten' præd cum pertin' eis warr'. Et super hoc iidem R. H. & T. S. petunt versus ipsu I. P. tenen' per warr' suâ tene'm præd cum pertin' in forma præd. Et unde dicunt, quod ipsimet fuer' seisi't de tenementis præd cum pertin' in dominico suo ut de feodo & in jure tempore pacis tempore domini regis nunc, capiend' inde exples. ad valenc', &c.

Et præd I. P. tenen' per warr' suam defendit jus suum quando, &c. Et ponit se in magn' assis. dom' regis, & petit recogn' fieri utrum ipse majus jus habet tenend' ten' præd cum pertin' ut tenens inde per warr' suam ut ille tenet, an prædict' R. H. & T. S. hab' eadem tene'm cum pertin' ut ill' superius petit, &c. Et præd R. H. & T. S. petunt licentiâ inde interloquend', & habent, &c. Et postea iidem R. H. & T. S. reven' hic in cur. scil' isto eodem die in ppriis person' suis. Et præd I. P. licet solempn' exact' non revenit, sed in contemptu cur' recessit & defalt'

defaltē fecit. Ideo cons. est per cur' quod præd' R.H. & T. S. recuperē seisin' suā verſ. præf. I.M. de tenem' præd' cum pertin' tenend' iisdem R.H. T. S. & hæredibus suis quiet' de præd' I. M. & hæredibus suis, ac etiam de præd' I. F. & hæredibus suis, & etiam de præd' I. P. & hæred' suis, imperpetuum; & quod idem I. M. habeat de terr' prædict' I. F. ad valenc', &c. & quod idem I. F. habeat de terr' præd' I. P. ad valenc', &c. & idē I. P. in misericordia, &c.

Ex' per I.W.

Seneschallum ibm.

Pow here do followe divers and sundry
forms of declarations and pleadings incident
and belonging to this Court as followeth.

A declaration for debt upon a specialty.

Will. S. sum' fuit ad respond' E. F. de placito
quod reddat ei 39.s. quos ei debet & injuste de-
tinet, &c. Et unde idem E. per I.B. attorn' suū
dic', qd' cum præd' W. quinto die Martii an. regni
domini regis nunc Angliæ, &c. decimo tertio,
apud A. infra jurisdictionem hujus cur' p quod-
dā scriptum suum obligator' concessisset se tene-
ri eidem E. in præd' 39. s. solvend' eidem E. cū
inde requisit' fuisset; præd' tam' W. licet sapius
requisit', præd' 39.s. eidem W. nondum reddidit,
sed illos ei hucusque reddere contradixit, & ad-
huc contradic'. Unde dic' quod deteriorat' est &
dampnum habet ad valenc' 20. s. & inde pro-
duc' sect', &c. Et profert hic in cur' script' præd'
quod

quod debitum præd in forma præd testatur, cu-
jus dat est die & anno suprad, &c.

Pleg. de proseq. { Joh. Doo,
&
Rich. Roo.

Bar in Det.

Et præd def. venit & def. vim & injur' quan- Per prist
do, &c. Et dic' quod ipse semper à præd quint a paier &
die Martii an. supradict' hucusque parat fuit & offer.
adhuc existit ad solvend' præf. quer' præd 39. s.
& illos hic in cur' profert parat ad solvend'. Su-
per quo idem quer' 39. s. ill' hic in cur' recepit;
ideo præd def. sit inde quietus, &c.

A declaration upon a bill Oblig'.

I. H. sum fuit ad respond' I. H. de plac' qd' redd'
ei 30. s. quos ei debet & injuste detinet, &c.
Et unde idem I. H. per I. B. atturn' suum dic', q'
cum præd I. H. decimo quinto die Octob' anno
regni dom' regis nunc Angliæ, &c. 14. hic apud
S. infra jurisdiction' hujus cur' per quandam bil-
lam suam obligat, quam idem I. Hamon sigillo
ipsius I. Holte sigillat hic in cur' profert, cujus
dat' est eisdē die & an', cognovisset se debere ei-
dem I. Ham' 15. s. solvend' eidem I. Ham' exeē,
administ. vel assig' suis in vel super festum Pen-
tecost. tunc prox' sequen' dat' bill' præd, & ad
eand' soluc' bene & fidel' faciend' idem I. Holte
obligasset se, hæc, exeē & admin' suos eidem I.
Ham' in præd 30. s. quos ipse cognovisset p bil-
lam suam præd satisfacere pro non solut' præd

15.s. Et idem I. Ham in facto dic, quod præd I. Holte non solvit eidem I. Ham 15. s. nec aliquē inde denar' secundum formā & effect' billæ præd, p quod actio accrevit eidem I. Ham ad habend' & exigend' de præf. I. Holte præd 30. s. Præd tamen I. Holte licet sapius requisit' eisdem 30. s. eidem I. Ham nond' reddidit, sed ill' ei hucusque reddere contradixit, & adhuc contradic'; unde dic quod deterior' est & dampn' habet ad valenē x.s. & inde produc' secl', &c.

Barre per deins age.

Et præd I. H. per I. F. attor' suum ven' & def. vim & injur' quando, &c. Et dic quod ipse de debito præd virtute bill' præd onerari non debet, quia dic quod ipse tempore confectionis bill' p'd fuit infra ætatem 21. an'; & hoc parat' est verific': unde pet' judic' si præd I. Ham action' suam præd virtute bill' præd in forma prædict' fact' versus eum habere debeat, &c.

Replic' & Rejoinder.

Et præd I. Hamon dic', quod ipse p aliqua præallegat' ab actione sua præd habend' præcludi non debet, quia dic' quod præd I. Holt tempore confection' bill' præd fuit plen' ætat' 21. an' & non infra ætatem. Et hoc pet' quod inquirat' per priam, & prædict' I. H. similit'. Ideo duodecim, &c.

Det

Det sur reteiner wages.

A. B. &c. sum fuit ad respondē C. D. de placito quod reddat ei 39. s. quos ei debet & injuste detinet, &c. Et unde idem C. per D. W. attorn' suum dic', quod cum præd' A. x. die Martii anno, &c. apud S. infra jurisdict' hujus cur' retinisset ipsum C. ad deservien' dicto A. ab eodem die per unum an' integrum tunc p' sequen' in officio unius valeat', ad præcept' & negotia ipsius A. quæcunque licita & honesta p' posse & scire suis agend', sollicitand' & exequend', capiend' de eodem A. p' salar' suo per tempus illud 39. s. idemque C. præd' A. in offic' prædict' per tempus præd' bene & fidel' deservisset, omnia præcept' & negotia sua licita & honesta p' posse & scire suis per idē tempus bene & fidelit' fecisset, sollicitasset & execut' fuisset, ac præd' 39. s. eidē C. p' salario suo præd' per tempus præd' a retro extitisset non solut', per quod actio accrevit eidem C. ad exigend' & habend' de præf. A. eisdem 39. s. prædict' tamen A. licet sapius requisit' præd' 39. s. eidem C. nondum reddidit, sed illos ei hucusque redder' contradixit & adhuc contradic', unde dic' quod deterior est & dampnum habet ad valenc' x. s. Et inde pduc' sect', &c.

Barr' per rien luy doit.

Et præd' A. B. per I. W. attorn' suum ven' & def. vim & injuriam quando, &c. Et dicit quod ipse non debet præf. C. D. præd' 39. s. nec aliquem denar. inde in forma qua idem C. superius vers. eum quer': & hoc pet' quod inquiratur

per patriam, & prædict' A. simil', &c. Ideo
12. &c.

A confession in debt.

Et præd' A. per I. W. atturn' suum venit, &c.
& dicit quod ipse non potest dedicere actionem
prædict' C. præd', nec quin ipse debet præf. C.
prædict' 39. s. prout prædict' C. superius versus
eum narravit. Ideo conf. est quod prædict' C.
recuperet versus præf. A. debitum suum præd' &
dampna sua occasione detentionis debiti illius ad
40. s. eidem C. ex assensu suo per cur' hic adju-
dicat: & præd' A. in misericordia, &c.

Det sur mutnatus.

A. B. attach. est ad respond' E. F. de placito
quod reddat ei 30. s. quos ei debet & injuste de-
tinet: & unde idem E. F. per I. W. atturn' suum
dicit, quod idem præd' A. B. 10. die F. ann', &c.
apud, &c. infra jurisdiction' hujus Cur' mutuat
fuisse de eodem E. F. præd' 30. s. solvend' eid'
E. F. cum inde requisit' fuisset; præd' tamen A.
B. licet sæpius requisit' præd' 30. s. eidem E. F.
nondum reddidit, sed ill' ei hucusque reddere
contradixit & adhuc contradic', unde dic' quod
deterior' est & dampn' habet ad valenc' x. s. Et
inde produc' sectam, &c.

Imparlance.

Et præd' A. per S. T. atturn' suum ven' & def.
vim & injur' quando, &c. Et pet' licenc' inde
inter-

interloquendū hic usque ad prox' cur, & habet,
&c. Idem dies dat' est præf. C. hic, &c.

Per minas.

Et præd' W. per N.E. attorn' suum ven' & def.
vim & injur' quando, &c. Et dicit quod ipse de
debito præd' virtut' script' præd' onerari nō debet,
quia dic' quod præd' R. tempore confection' script'
præd' eidem W. tales & tātas minas de vita sua
& mutilatione membr' suorum sibi inferendā, nisi
ipse script' præd' præf. R. facere & sigillare vellet,
apud A. infra jurisdictionem hujus cur' imposuit,
quod idem W. script' illud ob metum minarum
illarum præf. R. adtunc & ibidem fecit: & hoc
parat' est verificare, unde petit judic' si præd' R.
action' suam præd' virtut' script' præd' versus eum
habere debeat, &c.

Et præd' R. dic' quod ipse per aliqua præalle-
gat' ab actione sua præd' habend' præcludi nō de-
bet, quia dic' quod præd' W. tempore confection-
is script' præd' fuit sui juris ad largum, & script'
illud ex mera & spontanea voluntat' sua præfat'
W. fecit, & non ob metum minar', prout præd' W.
placitando allegavit. Et hoc pet' quod inquirat'
per priam, & præd' W. s'm. Ideo 12. &c.

Barr' per protestationem.

Et prædict' A.B. per T.C. attorn' suum ven' &
def. vim & injur' quando, &c. Et dic' quod
prædict' R. S. action' suam præd' inde versus eū
haber' seu manutenere non debet, quia protestand'
quod null' talis collocutio int' præf. A. & R.

habuit fuit, quod idem A. deliberat præf. R. præd duas pecias, &c. in pte satisfactione præd 39. s. in narr præd spec', protestando etiam quod prædict' A. non adduxit secum præd C. in narr præd etiam spec' ad præd duas pecias, &c. asportand', ad decipiend' & defraudand' præd R. de præd duab' peciis, prout in narr præd super suppon', protestando etiam quod præd A. adhibens fidem assumptioni præd R. non deliberavit præf. C. præd duas pec', &c. per limitation' & assump. dicti A. prout in narr præd etiam suppon', protestando etiam quod quædam collocutio habita fuit inter præd A. & R. quod præd R. deliberaret in mutuo præf. A. 39. s. in pecuniis numerat' sub cert' condic', & super inde concord' non potuer' ; ideo præd locut' vacua & nullius vigor fuit. Et pro placit' idem A. dic', quod ipse non promisit nec super se assumpsit modo & form' prout præd R. sup' vers. eum querit. Et hoc pet' quod inquir' per priam, & præd A. simil'. Ideo 12. &c.

Barr' per concord.

Et prædict' A. per I. W. Atte suum ven' & def. vim & injur' quando, &c. Et dic' quod præd R. action' suam præd inde vers. eum hère seu manut' non debet, quia protestand' quod non cogn' aliqua in narr præd fore vera, pro placito tamen dic', quod post assumpsit & promissionem præd fieri suppos', scil. 10. die M. an', &c. apud, &c. int' eund' A. & præf. R. tam de assump't & pmiss. præd quam de omni al' transgr' & offens. int' ipm A. & præf. R. ante 10. diem M. habuit, fact', mot' & perpetrat' sive penden', per mediation' amicorum suor' inter eos amicabiliter int'venien', talis

lis habebat concordia, viz. quod idem A. in plen^o satisf. & relaxation^e t^{am} assump. unde præd R. sup^r se modo quer^e, quā omnium alior^{um} trans. & offens^{us} per ips. A. ante tempus illud præf. R. fact^{us}, dat^{us} eid^{em} R. 2. vacc^{is}, & quod idem A. extunc vers. p^{er} f. R. tam de assump. & promission^e præd quam de omnibus aliis transgr^{ationibus} & offens^{us} esset quietus imperpet^{uum}. Et idem A. dic^{it} quod ipse adtunc & ibidem dedit & deliberavit præf. R. 2. vacc^{is}, idemque R. 2. vacc^{is} ill^{is} de eod^{em} A. adtunc & ibid^{em} recepit, juxta form^{am} & effect^{um} concordia^e præd. Et hoc parat^{um} est verificari, &c.

Nul tiel concord.

Præcludi non deb^{et}, quia dic^{it} quod non hab^{et} aliqua talis concordia int^{er} ips. R. & præf. A. modo & form^{am} quibus idem A. sup^r in bar placitand^{um} allegavit. Et hoc petit quod inquir^{at} per priam, & præd A. sim^{iliter}. Ideo I 2. &c.

Count sur bailement per auter maines.

T. G. sum^{us} fuit ad respond^{endum} N. P. de placito quod redd^{eret} ei 30. s. quos ei debet & injust. detin^{et}, &c. Et unde idem N. per R. L. att^{est} suum dic^{it}, quod cum quid^{am} P. R. ult^{ima} die I. an^{no} reg. domini regis nunc Ang. &c. x. apud B. inf^{ra} jurisd^{ictionem} hujus cur^{ie} deliberasset præf. T. G. præd 30. s. ad solvend^{um} & deliberand^{um} eid^{em} N. quodocunque p^{er} f. T. G. ab ipso N. foret requisit^{us}, præd t^{amen} T. G. licet sæpius requisit^{us} præd 30. s. eidem N. nond^{um} reddidit, sed ill^{is} ei hucusque reddere contradixit, & adhuc contradic^{it}, unde dic^{it} quod deterior^{is} est

& dampnū habet ad valenc' x. s. & inde produc' sect', &c.

Rien luy doit per ley.

Et præd' T. per B. C. att' suum ven' & def. vim & injur' quando, &c. Et dic' qd' ipse non debet præf. N. præd' 30. s. nec aliquem denar' inde formā qua idem N. supra vers. eum narravit; & hoc parat' est defendere cont' ips. & sect. suam per legem ipsius T. prout cur' hic conf' inde faciend', &c. Unde pet' judic' si præd' N. action' suā præd' vers. eum manuteneere debeat, &c.

Demurrer superinde.

Et præd' N. dic' quod defensio præd' T. per legem suam faciend' prætenf' non est sufficiens exit' nec admittabilis ad ips. T. cont' præd' mater' in narrat' ipsius N. content' ab actione sua præd' habend' præcludend': unde pet' judic' & debet præd' una cum dampnis, &c. pro defectu sufficient' responsionis & exitus in lege sibi adjudicari, &c.

Et præd' T. ex quo præd' responsio & dict' defensio sua per legem suam faciend' in formā p'd prætenf. sufficiens responsio & exitus admittabilis sunt in lege ad præd' N. ab actione sua præd' habend' præcludend', & præd' N. legem ipsius T. in hac parte faciend' admittere omnin' recusat, petit judic', & quod præd' N. ab actione sua præd' habend' præclud', &c.

Det

Det port per exec^r vers^o exec^r sur spec^r.

A. T. exec^r test. T. B. sum^m fuit ad resp. E. W. exec^r test. S. A. de placito, quod ipse simul cum C. coexecutor^r præd^r T. test, præd^r T. redd^t ei 38. s. quos ei injuste detin^{et}, &c. Et unde idem E. per I. W. att^r suum dicit, quod cum prædict^r T. B. vicesimo die Augusti anno, &c. apud P. infra jurisdic^t hujus Cur^r per quoddam scriptum suum obligatorium concessit se teneri eidem S. in præd^r 38. s. solvend^{um} eidem S. in fest. &c. præd^r tamen T. in vita sua nec præd^r execut^r test. post mort^{em} ejusdem T. licet sæpius requisit^r præd^r 38. s. præf. S. in vita sua nec eidem execut^r post mort^{em} ejusdem S. non reddiderunt, sed ill^r ei reddere contradixerunt, & adhuc contradicunt, & ill^r ei adhuc injuste detine^{nt}, unde dic^{itur} quod deteriorat^{ur} est & dampn^{um} habet ad valen^t x. s. Et inde produ^{cit} se^{ntentia}, &c. Et profert hic in cur^r tam script^{um} præd^r quam al. testim^{oniu}m per quæ satis liquet ips^{is}. E. fore exec^r test. præd^r S.

Det port per administr^r.

W. W. sum^m fuit ad respond^{um} I. A. administra-
trici omnium & singul^r bonor^{um} & catall^{ium} quæ fuer^{unt}
L. A. qui obiit intest. ut dicitur, de placito quod
reddat ei 39. s. quos ei injust. detin^{et}, &c. Et
unde eadem I. per I. W. atturn^{um} suum dic^{itur}, quod
cum præd^r W. tali die & anno, &c. apud S. in-
fra jurisd^{ic} hujus cur^r per quandā bill^{am} suam oblig^{atus},
quam eadem I. sigill^{is} præd^r W. signat^{us} hic in cur^r
profert, cujus dat^{um} est eidem die & ann^o, cognoviss^{et}.

se deberē præs. L. præd 39. s. in vita sua solvendū eidem L. apud talem fest. prox', &c. & ad eādem solutionē bene & fidel' faciendū. præd W. oblig. se, hæc & execut' suos per eādem bill', præd tamen W. licet sæpius requisit' præd 39. s. præs. L. in vita sua seu eidem I. post mortem ejusdem L. cui administr. omnium bonorū & catall' quæ fuerē præd L. temporē mortis suæ per W. L. Legum Doctorē cur' prærog' Cantuar' Magist. 20. die Maii anno domini 1616. apud L. præd post mortem præd L. commiss. fuit, non reddidit, sed ill' ei redderē contradixit, & ill' eidē I. redderē contradiē ac injuste detinet, unde diē quod deteriorat' est & dampnū habet ad valenē 20. s. Et inde produc' sect', &c. Et profert hic in cur' liter' administr. præd W. L. per quas, &c.

Non sum informatus.

Et prædict' W. per N. E. atturū suū veni & def. vim & injur' quando, &c. Et dictum est eidem atturū ejusdem W. quod pro eodem W. magistro suo præs. I. in loquela præd respond. Et idem atturū diē, quod ipse non est informatus per eundem W. magistrum suū de aliquo respons. pro eodem W. præs. I. in loquela prædict' dand', & nihil aliud inde dicit, per quod idem I. rem' vers. præs. W. inde indef. Ideo conf' est quod prædict' I. recuperet versus præd W. debitum suū præd & dampn' sua occasion' detenc' debit' illius ad 56. s. eidem I. ex assensu suo per cur' hic adjudicat': & prædict' W. in misericordia, &c.

Plene

Plene administravit.

Et prædict' A. per T. B. attorn' suum ven' & def. vim & injur' quando, &c. Et dic' quod præd' quer' actionem suam præd' versus eum habere nõ debet, quia dic' quod ipse plen' administravit omnia bona & catalla quæ fuer' præd' I. tēpor' mort' suæ, & quod ipse null' habet bona seu catalla quæ fuer' ejusdem I. tempore mortis suæ in manibus suis administrand', nec habuit die intrationis placiti ipsius quer' nec unquam postea. Et hoc parat' est verificare: unde petit judic' si prædict' quer' action' suā p'd' versus eū habere debet, &c.

Replication & Rejoinder.

Et præd' quer' dicit quod ipse per aliqua præalleg' ab actione sua præd' habend' præclud' non debet, quia dicit quod præd' defend' die intrationis placit' præd' quer', scil. tali die, an', &c. habuit diversa bona & catall' quæ fuer' præd' I. tempore mort' suæ in manibus suis administr. ad valenē debīt præd' unde eidem quer' de debīt illo satisfacisse potuit, viz. apud A. infra jurisdict' hujus cur'. Et hoc petit quod inquireat per priā, & præd' def. sim. Id', 12. &c.

A speciali Non est factum.

Et præd' def. per G. P. att' suum ven' & def. vim & injur' quando, &c. & dic' quod ipse de debīt prædict' virtute billæ præd' onerari non debet, quia dic' quod postquam idem def. sigillavit
& de

& deliberavit billam præd præf. quer, billa illa de novo scripta & interlineata fuit in istis verbis, viz. Th. Curwen, per quod billa illa sic de novo scripta & interlin' vim suam perdidit & effectum, & sic billa præd non est fact' suum. Et de hoc pon' se sup. priam, & præd quer sim. &c. Idem eo 12. &c.

Nihil dic' in debito.

Et prædict' defend' per A. B. attorn' suum ven' & defend' vim & injur quando, &c. & nihil dic' in barr actionis prædict' quer præd, per qd' idem quer reman' versus eundem defend' inde indef. Ideo cons' est quod prædict' quer recuperet versus præf. defend' debitum suum præd & dampna sua occasione detentionis debiti illius ad x. s. eidem quer ex assensu suo per Cur hic adjudicat, & præd def. in misericordia, &c.

Action sur le case sur indebitatus assumpsit.

G. D. per R. M. attorn' suum queritur vers. R. D. de placito trasgr super casum, pro eo quod cum præd def. indebitat fuit præf. quer in 11. s. legal' mone't Angl' pro una tunica, Anglice a Jerkin, per ips. quer præf. defend' prius vend' & delibera't, & sic indebitatus existens postea scil. 10. die 1. an', &c. apud S. infra jurisd' hujus cur, præd def. in consideratione inde super se assumpsit, & eidem quer ad tunc & ibim' fidelit' promissit, ad solvend' eidem quer præd 11. s. præd tamen def. promiss. & assump't suas præd minime curans, sed machinas ips. quer de præd 11. s. callide

callide deciperē & defraudare, præd I r. s. eidem
querē nondum solvit, licet eidem querē solvendū
postea, sc. dictis die an' & loco, infra jurisd' hujus
cur' per ips. querē requisit' fuerē, ad dampn' ipsius
querē x. s. Et inde produc' sect', &c.

Pleg. de prof. { Jo. Doo,
&
Ric. Roo.

Alit' indebit' assumpsit.

I. C. attach. est ad respond' I. W. de placito
transgr' super casum. Et unde idem I. W. per I. S.
art' suum dic', quod cum præd I. C. primo die
Oct' an', &c. hic apud S. infra jurisd' hujus Cur'
indebitat' fuisset præf. I. W. in summa 38. s.
legal' monet' Ang. pro arrerag' reddit' unius me-
suag' & unius acrae terræ, & pro diversis denar'
summis ei mut' deliber', ac etiam pro diversis
aliis rebus eidem I. per præd I. ante tempus
illud debi' & solubil', & sic inde indebitat' exi-
stent' idem I. C. in consideratione inde super se
assumpsit quod ipse idem I. C. præd 38. s. eidem
I. W. cum inde requisit' fuisset bene & fidelit'
solvere & contentat' vellet, præd tamen I. C.
promissionē & assumpt' suas præd minime curas,
sed machinas & fraudulenter intendens eundem
I. W. in hac parte callide & nequiter deciperē &
defraudare, præd 38 s. eidem I. juxta promiss.
& assump. suas præd, licet ad hoc postea, scil.
10. die Oct' anno regni domini regis nunc 13.
suprad', apud S. præd per eund' I. requisit' fuit,
non solvit, sed illos ei omnin' hucusqueolvere
contradixit, & adhuc contradic', unde dic' quod
dete.

deteriorat est & dampnū habet ad valenc' x. s. Et inde produc. sect', &c.

Non assumpsit.

Et præd I. per I. W. attorn suum veni & def. vim & injur quando, &c. & dic' quod non assumpsit eidem queri modo & form prout præd queri superius versus eum querit. Et de hoc ponit se super priam, & præd queri similiter. Ideo I2. &c.

Action sur le case super infimul computaver'.

R. S. queritur de N. W. de plac' transgrē super casum pro eo viz. quod cum quidam H. W. & R. H. 2. die I. añ, &c. apud A. infra jurisdiction' hujus cur infimul computaver' cum eod' R. de diversis denar' summis ante tempus illud pro arrerag' reddiit & al' rebus eidem R. per præd H. & R. debiit & solubil', & super comp. illo iidem H. & R. inventi fuissent in arreragiis erga præd R. in summa 36. s. legal' monet Ang' solvendā eid R. cum inde requisit' essent, cumque etiam præd N. W. adtunc & ibm, scil. eodem 2. die Jan añ supradict' apud A. præd, instantissime requisivit præd R. quatenus idem R. acquietaret & exoneraret præd H. & R. de præd 36. s. & præd N. in cōsideration' inde super se assumpsit & eidem R. adtunc & ibid' fidelit' promisit quod ipse idem N. præd 36. s. eidem R. cum inde requisit' esset bene & fidelit' solvere & contentare veller, & idem R. in facto dic', quod ipse fidem adhibens promissioni & assumptioni

tionem ipsius N. prædictam adtunc & ibidem acquietavit & exoneravit prædictam H. & R. de prædicta 36.s. prædictam tamen N. promissam & assumptam suas minime curans, sed machinans & fraudulentum intendens eundem R. in hac parte callide & nequiter decipere & defraudare, prædictam 36. s. eidem R. licet ad hoc apud A. prædictam infra jurisdictionem prædictam postea, scilicet ultimam die I. anno regni dicti domini regis nunc 8. supradictam, per prædictam R. requisitum fuit, non solvit, nec aliquammodo pro eisdem hucusque contentavit, per quod idem R. dicit quod ipse totum lucrum, commodum & proficuum quæ ipse cum prædicta 36.s. emendo, vendendo, liciteque bargainizando habere & lucrari potuisset si prædictam N. promissam & assumptam, suas prædictam sic in forma prædictam factam tenuisset & performasset, totaliter perdidit & amisit, unde idem R. dicit quod deterioratus est & dampnum habet ad valenciam 20. s. Et inde producit factum, &c.

Action sur le case sur indebitum assumptum.

T. E. queritur versus B. B. de placito transgressum super casum pro eo videlicet, quod cum prædictam B. primo die I. anni regni domini regis nunc Angliæ, &c. nono apud A. infra jurisdictionem hujus curie, in considerationem quod prædictam T. ad specialem instantiam & requisitionem ipsius B. adtunc & ibidem mutuo dedisset & accommodasset eidem B. 30. s. bonæ & legalis monete Angliæ, super se assumptum, & eidem T. adtunc & ibidem fideliter promissum, quod ipse idem B. 30. s. bonæ & legalis monete Angliæ eidem T. cum inde requisitus esset bene & fideliterolvere & contentare vellet, prædictum tamen B. promissum & assumptum suas prædictum minime curans, sed machi-

machinās prædict' T. de prædict' 30. s. callide & subdole decipere & defraudare, prædict' 30. s. præfat' T. licet per eundem T. postea, scilicet primo die Octob. ann', &c. supradict' apud A. prædict' requisit' fuisset, juxta promiss. & assumpt. suas præd' nōdū solvit, nec aliquāliter contentavit, per quod præd' T. in reputat' sua erga divers. dicti domini regis nunc subdit', & præcip. erga F. M. cui idem T. in consim. summ' 30. s. indubitāt fuit, ac cui idem T. eosdem 30. s. ad cert' diem jam diu præterit' super spe fidel' performance promiss. & assumpt' præd. solvere & contentare promiserat, multipliciter læsus & detest' est, & dampn' habet ad valenc' 20. s. Et inde produc' sect', &c.

Plaint sur Replevin

Willel. L. sum' fuit ad respondend' Will. B. de placito captionis & injustæ detentionis anteriorum suorum. Et unde idem W. B. per R. D. attur' suum dic' qd' præd' W. L. quinto die Decemb. anno regni dom' regis nunc Angl', &c. ii. apud Q. in quodam loco ibidē voc' *Bushy Close* ipsius W. B. infra jurisdictionem hujus cur' cepit aver', viz. unam vaccam ipsius W. B. & eam injuste detinuit contr' vad' & pleg. quousque; unde dic' quod deterioratus est & dampn' habet ad valenc' 39. s. Et inde produc' sect', &c.

Avowry pur damage fessant in son franktenement.

Et præd' W. in propria persona sua ven' & def.
vim

vim & injur̄ quand̄, &c. & bene advoc' caption̄
averiorum præd̄ in præd̄ loco in quo, &c. & in-
juste, &c. quia dic' qd' præd̄ loc' in quo suppon.
capt̄ averior̄ præd̄ fieri est & præd̄ tempor̄ cap-
tionis præd̄ supposit̄ fieri fuit solum & liber.
ten̄ ipsius W. & quod vacca præd̄ fuit eodem
temp' in eodem loco herbam ibm̄ tunc cresceñ
depasceñ & dampnum facieñ, per quod idem
W. vaccam ill. adtunc & ibm̄ sic dampn' facien'
cepit & imparcavit, prout ei bene licuit. Et hoc
parat̄ est verificare: unde pet̄ judic' & retorn' a-
veriorum præd̄ sibi adjudic', &c.

*Avouree aliter per unum in jure suo proprio,
& alit' ut servien' per ejus præcept.*

Et præd̄ R. B. & T. B. per W. C. att̄ suum
ven' & def. vim & injur̄ quand̄, &c. Et dic'
quod præd̄ R. B. est & præd̄ tempore caption̄
averior̄ præd̄ fieri supposit̄ fuit seisit̄ de quodam
claus. voc' le Coniger in præd̄ villa de E. infr̄ ju-
risd̄ hujus cur̄ in dom̄ suo ut de feodo: quæ qui-
dem equa præd̄ tempore quo, &c. fuit in eadē
clausa voc' the Coniger herbam suam ibm̄ de-
pascens & dampnum in eodem clauso faciens, per
quod ipse idem R. B. in jure suo proprio &
præd̄ T. B. per ejus præcept̄ ceperunt equam
ill. & eam imparcaver̄, prout eis bene licuit; abs-
que hoc quod ipsi ceper̄ equam præd̄ in præd̄
loco voc. the common Mead, prout præd̄ W.
T. versus eos queritur. Et hoc parat̄ sunt verifi-
care: unde pet̄ judic. & retorn' averior̄ præd̄ si-
bi adjudicari, &c.

Avouree

Avourie pur amerciament in Leet.

Et præd L. P. per T. R. att̃ suum ven' & def. vim & injur̃ quando, &c. & ut ballivus T. H. aī bene cognovit caption. juvenca præd in præd loco in quo, &c. & julte, &c. Quia diē quod idem loc⁹ in quo supponit caption. juvenca præd fieri continet, & præd tempore quo supponit captionem juvenca præd fieri continebat in se 12. acras terr̃ voc. *Keke fields* in W. præd infr̃ præcinct. cur̃ vis. franc' pleg. dicti T. H. infra maner̃ suum de M. ten' in comit̃ South. præd, de quo quidem man. cum pert̃ ante præd tempus quo, &c. & eodem tempore quo, &c. præd T. H. fuit seisiť in dominico suo ut de feodo, infra quod quidem maner̃ idem Thom̃ & omnes illi quor̃ statum idem T. modo habet, & præd tempore quo, &c. habuit in maner̃ præd cum pertin', à tempore cujus contr̃ memor̃ hominum non existit habuerunt, & habere, tenere & custodiť consuever̃ cur̃ vis. franc' pleg. bis per ann', viz. semel infra mens. prox. post fest. Pasch. & iterum infra mens. prox. post fest. sancti Mich. Arch. apud maner̃ illud cōf̃ Senesch. manerii illius pro tempore existen', & omnes inhabitantes & residentes infra maner̃ illud ad cur̃ vis. franc. pleg. maner̃ præd usi fuer̃ compar', & ibm̃ onerari & jurati de & super omnibus articulis qui ad cur. vis. franc. pleg. præd pertinent ad inquirend̃; quodque præd T. ac omnes illi quor. statum idem T. in manerio præd cum pertiner. modo habent, & præd tempore quo, &c. habuerunt, à toto tempore præd usi fuerunt distringere

gere pro pœnis & amerciamentis in eadem cur̃ vic' frañ pleg. imposit. Et idem L. dicit, quod ante prædict' tempus quo, &c. scil. ad quandam cur̃ vic' frañ pleg. tenē apud manerium præd' infra mensem prox. post fest. sancti Mich. Arch. scil. 30. die Septembris, an. regni domini regis nunc Angliæ, &c. decimo, coram W. Y. gen. adtunc seneschallo cur̃ vic' frañ pleg. manerii sui præd', per quosdam Johān N. &c. (recitand' omnes Jur̃ per nomina in eadem cur̃ vic' frañ pleg. de hiis quæ ad vic' frañ pleg. præd' pertinent oner̃ & jurat' ad inquirend' super eorum sacramentum) præf. fuit quod præd' W. T. residen' & inhabitan. infra præcinctum cur̃ vic. frañ pleg. præd' adtunc existerat, ac quod divers. sepes ipsius W. infra præcinctum manerii præd' inclusæ jacebāt, ad nocument' divers. inhabitāt infra manerium præd', per quod adtunc & ibim' præcept' fuit eidem W. T. sufficient' facere sepes suas, viz. apud le Home breach versus viam regiam, & sepes suas vers. venellum voc' Mores Lane, &c. ante decimum quint' diem Octobrii tunc px. futur', sub poena xx. s. Ante quē diē idem Will. sepes suas præd' non fecit secundum præcept' Jur̃ præd', per quod præd' poena prædictorum 20. s. per præd' Will. T. forisfact' fuer̃. Et quia prædict' viginti solidi pro poena p'd præd' tempore quo, &c. præf. T. H. aretro fuerunt insolut', idem L. ut ballivus præd' T. p' eisdem 20. s. pro poena præd' aretro existen' insolut' bene cognovit captionem juvenis. p'd in p'd loco in quo, &c. & jussit, &c. infra præcinct' vic' frañ pleg. prædict', &c.

Barr' quant avers enter pur default de inclosure que lavowant doit faire.

Et præd T. dic' quod præd E. captionem anteriorum præd ratione præall' just. advocare non debet: quia dic' quod tempore captionis præd fact' quidam W. C. fuit seisi' de quodam clauso voc' R. in M. in comitat' præd in præd loco vocat' G. contigue adjacent. in dominico suo ut de feodo; idemque W. sic inde seisi' ante idem tempus quo, &c. apud A. clausum illud dimisit eidem T. habend' sibi ad voluntatem dict' W. quo prætextu idem T. tempore captionis prædict' factæ de clauso illo fuit possessionat', ac præd E. eodem tempore fuit seisi' de prædicto clauso vocat' G. in dominico suo ut de feodo; idemque E. & oēs illi quorum statum ipse tunc habuit in loco ill. fecer' & reparaver', & usi fuer' facere & reparare, quoties necesse fuit, quandā sepem sive clausur' dict' loco vocat' G. à præd clauso voc' M. penitus separat' & def. à tempore cujus contrarii memoria homin. non existit. Et idem T. dicit quod ipse de præd clauso vocat' M. virtute admission' præd possessionat' ante præd tempus quo, &c. posuit aver' sua præd in claus. illud ad depascend' ibim': & p' eo qd' sepes præd E. tempore caption. præd fact' & antea p' defectu reparationis inde in divers. partibus ejusdem rupt' fuit & vastat', averia p'd in claus. ill. in præd loco vocat' G. p' rupt' ill. tempore caption' p'd evaser' & intraver', & p'd E. tunc ibim' existens averia ill. tunc ibim' cepit, put p' nat' præd suppon'. Et hoc parat' est verificare: unde pet' judic. & dampna sua occasione. captionis illi adjudicari, &c.

Replis'

Replie' quer', le inclosure fuit sufficient.

Et præd E. dic. quod averia illa tempore captionis præd supp' fieri sepem præd sufficient' fact' & reparat' violent' freger, & in præd locum voc' G. intraver, & herbam in loco illo crescen' depasta fuer, & dampn' in eo fecer, p quod idem E. aver' ill' tunc ibm cepit, p ut idem E. super allegavit. Et hoc parat' est verificare: unde petit judic' & retorn' averior' illorū sibi adjudicari, &c.

Rejoynder.

Et præd T. dic' quod sepes præd tempore caption' præd supposit' fieri rupt' & vastat' fuit in forma qua idem T. superius allegavit: & hoc pet' quod inquiratur per priam, & E. similiter. Ideo
12. &c.

Action de trover.

ff. I. P. queritur de I. K. de placito trās. Et unde idem I. per I. W. atturū suū dic', quod cum præd I. P. priū die N. añ regni dom' regis nunc Ang', &c. apud P. infra jurisd' hujus cur' possess. fuisset de duabus ovibus matric' Angl' & mes precii x.s. ut de bonis & catallis suis pp'r, & sic inde possess. existens, postea, scil. eisdem die & an', apud P. præd bona & catalla præd extra manus & possess. suas casualit' perdidit & amisit: quæ quidem bona & catalla postea, scil. eisdem die & an', apud P. præd ad manus & poss. ipsius I. K. p inventionem devenerunt: præd ta-

men I.K. certū scien' bona & catalla prædict' fore bona & catall' prædict' I. P. & ad ipsum I. P. de jure spectare & pertinere, machin' & fraudulentē intenden' eundem I. P. in hac parte callide & subdole defraudar & decipere, bona & catall' prædict' præf. I. P. licet sæpius requisit, &c. nondum tradidit nec deliberavit, sed bona & catalla prædict' postea, scil. primo die D. an' x. supra in usum & commodum suum proprium disposuit & convertit, ad dampn' ipsius I. P. xx. s. Et inde producit seet', &c.

Count in trespass.

S. S. attach. fuit ad respond' I. E. de placito quare ipse simul cum W. L. clausum & domum ipsius I. apud B. infra jurisdict' hujus cur' fregit, & alia enormia, &c. unde idem I. per I. H. attorn' suum querit quod prædict' S. simul, &c. 30. die S. an' regni domini regis nunc Angl', &c. decimo clausum & domum ipsius I. apud B. infra jurisdict' hujus cur' fregit, & alia enormia, &c. ad grave dampn' ipsius I. unde dicit quod deteriorat' est & dampnum habet ad valent' 20. s. Et inde producit seet' &c.

Pro close & meason debruse, & herbes pris, tunc sic.

Et unde idem H. in propria persona sua queritur de prædict' I. qd' simul cum R. R. & I. L. i. die Sep. an', &c. claus. & domum ipsius H. apud W. infra jurisdict' hujus cur' fregit, & herbam suam ad valent' 20. s. jam nuper crescent' cum quibusdam averiis,

averiis, viz. equis, bobus, vaccis, & bidentibus, depastus fuit, conculcavit & consumpsit, & alia enormia ei intul', ad dampnum ipsius H. 30. s. Et inde producit sectam, &c.

Non cul' plead.

Et præd' def. per I. F. atturn' suum venit & def. vim & injuriã quando, &c. & quoad tot. transgr' præd' præterfractionem claus. præd' dic', quod ipse in nullo est inde culp. put præd' quer' superius versus eum queritur: & de hoc pon' se super priam, & præd' quer' similiter. Et quoad fractionem clausi præd' idem def. dic', quod præd' quer' actionem suam præd' versus eum haberi non debet, quia dic' quod præd' quer' ante tempus quo supponitur transgr. p'd' fieri unam vaccam ipsius def. apud G. præd' invēit absque causa rationabili cepit, & ill. in clausur' præd' fugavit, & illa ibidē imparcavit, per quod idem def. p' vacca ill' re-habend' claus. p'd' p'd' tempore quo, &c. intravit, & eam tunc ibidem cepit & abduxit, put ei bene licuit. Et hoc parat' est verificare: unde petit judicium si præd' quer' action' suam præd' inde versus eum habere deb', &c.

*Replication de son tort demesne sans tiel
cause, & issue sur ceo.*

Et præd' quer' dic', quod ipse per aliqua præal-legat' ab actione sua præd' de fraction' claus. præd' versus præf. def. habend' præcludi non debet: quidic', quod præd' def. die & an' suprad' de injuria sua propria & absque causa per ipsum def. præ-

præallegat claus. ipsius quer apud C. præd fregit, put ipse superius versus eam queritur. Et hoc petit quod inquiratur p patriam, & p d def. simil'. Ideo 12. &c.

Barr' in trespass per offer de reasonable amends.

Et præd def. per J. W. attornatum suum veni & def. vim & injur quando, &c. Et die quod præd quer actionem suam præd versus eum habere non debet, quia die quod ipse immediat post p d temp' transgr. p d fieri suppos', scilicet die x. Jan. &c. apud N. p d p man' ipsius def. pprias obtulit ad solvend p f. quer 2.s. p dampn' suis cum vaccis p d in p d loco in quo, &c. p quer fact'; qui quidem 2.s. fuer' suffic' amend' p dampn' cum vaccis p d ietis in p d loco in quo, &c. eod tempore quo, &c. fact' i quos quidem 2.s. p d quer de eod def. recipere ad tunc & ibide penitus recusavit. Et hoc parat est verificare: unde petit judic' si p d quer actionem suam p d inde versus eu habere seu manutenere debeat, &c.

Tender de suffic' amends est bon plea in Replegiat ante imparcationem averiorum, mes nemy post.

Note, that if any man plaint ff or Defendant, be minded to remobe any action out of this Court, he must doe it by the Kings writ call'd an Accedas ad cur, which issueth out of the Chancery; and it must be made by a Curatier of that shire where the action lieth, and directed to the Sheriff of the same County, who will make his warrant to the Balliff of that Court:

and

and the Bailiff must make his return of the warrant thus. First the Bailiff sends oz delivers to the Sheriff a copie of the entrance of the Court when the Cause was removed, thus :

Alton Westbrook.

Cur. R. T. mil' ibm tenē die Jovis, viz. x. die Maii ann' regn' dom' nri Jac' dei gratia Ang' Scot' Franc' & Hibern' regis, fidei defens. &c. viz. Angl' Franc' & Hibern' 20. & Scot' 51. cor' I. W. G. S. R. H. & T. D. sect' ejusdem cur.

The copie of the plaint.

I. S. quer' versus W. W. de placito captionis & injustæ detentionis averiorum suorum.

Virtute istius præcepti mihi directi, accepti mecum I. W. &c. quatuor discreti milit' hundr. de A. p'd, accessi ad cur. R. T. milit', & recordi feci loquelam quæ est in eadem cur. inter I. S. quer' & W. W. def. & recordi illud parat' habeo sub sigill. meo & sigillis p'd 4. mil. ejusdem cur. ex illis qui recordi ill. interfuer. & partibus p'd eundem diem præfixi, put mihi præcepti fuit. In cuius rei testim' tam ego R. F. ballivus hund' p'd quam p'd I. W. &c. & 4. legal' mil' hundredi p'd præsentibus sigill. nostr. apposuimus.

Thereupon the Sheriff maketh his return, as to the said writ appeareth.

FINIS.

The Reader is desired to amend these Faults, which
were in the Copy that was printed by.

Pag. 83. lin. 21. read *Istud breve*. p. 154. l. 15. dele
infranominat A.B.C.D.E.F.G.H. p. 174. l. 23. r. & terr'
tenen'. p. 178. l. 21. dele *alit*'. p. 179. l. 6. for *Alias*,
r. *Al' retorn' hab' corp'*. p. 188. l. 31. r. *catalla in Balli-*
va mea. p. 194. l. 3. r. *per quod ei*. p. 195. l. 20. for I.B.
r. I.H. p. 196. l. 27, 28. r. *W. B. senior de D.* p. 201. l.
23. r. *quibusdam Indentur*'. p. 203. l. 22, 23. r. *certifico,*
quod predict' I. S. postea. p. 205. l. 20. r. *nobis precipitur*.
p. 208. l. 15. r. *computum*. p. 211. l. 14. r. *quos quidem*
xl. s. ad diem. p. 215. l. 11, 12. r. *de com' prad' & re-*
spect' habetur ad verum. p. 237. l. 25. r. *balliva mea*.